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VOICES OF INDIAN FREEDOM MOVEMENT

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(VOICE OF MUSLIM ISOLATIONISM AND COMMUNALISM)
Muslim League Speaks 1926—1947

VOLUME X

Part Two

(Book 2)

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IV. While reaffirming the resolution passed by the League at the Amritsar Session regarding the cow sacrifice, and exhorting the Musalmans of India to continue unabated their earnest efforts in that direction, the All-India Muslim League appeals to its Hindu brethren to refrain from securing legislative or other compulsory measurers which it fears would only add to the difficulties of the situation.

V. That Rule 2 of the All-India Muslim League be amended so as to read as follows :

The objects of the All-India Muslim League shall be :

(a) the attainment of *Swaraj* by the people of India by all peaceful and legitimate means;

(b) to protect and advance the political, religious and other rights and interests of the Indian Musalmans;

(c) to promote friendship and union between the Musalmans and other communities of India;

(d) to maintain and strengthen brotherly relations between the Musalmans of India and those of other countries.

(LUCKNOW SESSION, 1923)

Whereas it is necessary that complete unity should be maintained among the various communities and sects inhabiting India, and whereas this unity and solidarity is essential for the attainment of our goal, and whereas complete unity and understanding are not possible without full faith and trust in the fairness and justice of the various communities in their relations with each other, this Session of the All-India Muslim League resolves that, in order to fulfil these objects, a Committee consisting of the following gentlemen be appointed hereby to collaborate with similar committees to be appointed by the Indian National Congress, the Khilafat Committee, the Shiromani Gurdwara Prabandhak Committee the Jamiat-ul-Ulema, the Hindu Mahasabha, and other representative bodies of the various communities in order to prepare and bring

about an Indian National Pact on the lines indicated hereinafter.

(a) Safeguarding the right of different communities especially of the minorities, fixing up the proportion of representation of the various communities in all the Councils, municipal bodies, local boards, Panchayats, universities, and the services, the small minorities to get representation in excess of their population, these to be given from the Hindu and Muslim members.

(b) Perfect freedom in religious observance of various sects inhabiting India. Complete respect for all religions and religious observances and susceptibilities of various sects by other sects. This freedom would include the right of preaching and spreading the various religions, provided no force, intimidation coercion or any other unfair means are adopted.

(c) Settlement of questions leading to differences and conflict, e.g., cow preservation, Dusehra, Mohurrum, Rathjatra processions, Sikh Diwans, music before mosques and shrines and the recognition of Hindustani (Urdu or Hindi) as the official language of India with Persian and Devnagari scripts; arbitration boards to be appointed in each province and each district to prevent communal friction and to arbitrate in case of disputes.

It is further resolved that the people of India should participate in the formation of a Federation of Eastern Countries with the object of mutual help, in the matter of trade and commerce, to free themselves from the economic exploitation and domination by Europe, and with a view to enlarge and support Oriental culture and generally to maintain good and friendly relations between the various nationalities all over the East.

(*LAHORE SESSION, 1924*)

Resolution II

Whereas the speedy attainment of *Swaraj* is one of declared

objects of the All-India Muslim League, and whereas it is now generally felt that the conception of *Swaraj* should be translated into the realm of concrete politics and become a factor in the daily life of the Indian people, the All-India Muslim League hereby resolves that in any scheme of a constitution for India that may ultimately be agreed upon and accepted by the people, the following shall constitute its basic and fundamental principles :

(a) The existing provinces of India shall be united under a common government on a federal basis so that each province shall have full and complete provincial autonomy, the functions of the central government being confined to such matters only as are of general and common concern.

(b) Any territorial redistribution that might at any time become necessary shall not in any way affect the Muslim majority of population in the Punjab, Bengal and N.W.F. Province.

(c) The basis of representation in the Legislature and in all other elected bodies shall be population, except that very small minorities may be given representation in excess of their numerical proportion in those cases in which they would remain entirely unrepresented in the absence of such exceptional treatment, subject however to the essential proviso that no majority shall be reduced to a minority or even to an equality.

(d) Full religious liberty, i.e., liberty of belief, worship, observances, propaganda, association, and education shall be guaranteed to all communities.

(e) The idea of joint electorates with a specified number of seats being unacceptable to Indian Muslims, on the ground of its being a fruitful source of discord and disunion and also of being wholly inadequate to achieve the object of effective representation of various communal groups, the representation of the latter shall continue

to be by means of separate electorates as at present, provided that it shall be open to any community at any time to abandon its separate electorates in favour of joint electorates.

(f) No bill or resolution or any part thereof affecting any community, which question is to be determined by the members of that community in the elected body concerned, shall be passed in any legislature or in any other elected body, if three-fourths of the members of that community in that particular body oppose such bill or resolution or part thereof.

Dr. Ziauddin Ahmad moved an amendment to substitute the following for Clause (c) of the proposed resolution : "The mode of representation in the Legislature and in all other elected bodies shall guarantee adequate and effective representation to minorities in every province, subject, however, to the essential proviso that no majority shall be reduced to a minority or even to an equality."

(*ALIGARH SESSION, 1925*)

Resolution I

Whereas the speedy attainment of full responsible government is one of the declared objects of the League, and it is now generally felt and recognized that the conception of *Swaraj* should be translated into the realm of practical politics, and whereas it is the declared policy of the British Government also to enable the people of India to take a decisive part in the moulding of their own destinies, which is marked by the declaration of August 1917 and the enactment of 1919, which formed a definite epoch in the history of India as a herald of the time when India will possess full autonomy and will rank as an equal with the Dominions and with the United Kingdom itself, as a member of the British Commonwealth, the All-India Muslim League is of opinion that the present Constitution of India must be amended, and urges that for this purpose the Government should undertake the revision of the Government

of India Act 1919, and without any delay, appoint a Royal Commission to formulate, after due enquiry and investigation, a scheme so as to place the Indian Constitution on a sound and permanent basis, with provisions for automatic progress to establish full responsible government in India, and thereby secure stability in the Government and the willing co-operation of the people.

Provided, however, that for any scheme of the future Constitution of India, the All-India Muslim League reaffirms and unequivocally declares that the following basic and fundamental principles must be secured and guaranteed, viz :

(1) All legislatures of the country and other elected bodies shall be constituted on the definite principle of adequate and effective representation of minorities in every province without reducing the majority in any province to a minority or even to an equality.

(2) The representation of communal groups shall continue to be by means of separate electorates as at present, provided that it shall be open to any community at any time to abandon its separate electorate in favour of a joint electorate.

(3) Any territorial redistribution that might at any time be necessary shall not in any way affect the Muslim majority in the Punjab, Bengal and North-West Frontier Province.

(4) Full religious liberty, i.e., liberty of belief, worship, observances, propaganda, association and education, shall be guaranteed to all communities.

(5) No Bill or resolution or any part thereof shall be passed in any legislature or in any other elected body, if three-fourths of the members of any community in that particular body oppose such a Bill or resolution or part thereof on the ground that it would be injurious to the interests of that community, or in the alternative, such other method is devised as may be found feasible and practicable to deal with such cases.

(*DELHI SESSION, 1926*)

Resolution XII

The All-India Muslim League has repeatedly defined its position with regard to real advance in the future constitution of India in its sessions in 1924 and 1925, and reaffirms the resolution passed at its session at Aligarh in December 1925 to the following effect, namely that :

whereas the speedy attainment of full responsible government is one of the declared objects of the League, and it is now generally felt and recognized that the conception of *Swaraj* should be translated into the realm of practical politics,

and whereas it is the declared policy of the British Government also to enable the people of India to take a decisive part in the moulding of their own destinies, which is marked by the declaration of August 1917 and the enactment of 1919, which formed a definite epoch in the history of India as a herald of the time when India will possess full autonomy and will rank as an equal with the Dominions and with the United Kingdom itself, as a member of the British Commonwealth,

the All-India Muslim League is of opinion that the present Constitution India must be amended, and urges that for this purpose the government should undertake a revision of the Government of India Act 1919, and without any delay, appoint a Royal Commission to formulate, after due enquiry and investigation, a scheme so as to place the Indian Constitution on a sound and permanent basis, with provisions for automatic progress to establish full responsible government in India and thereby secure stability in the Government and the willing cooperation of the people,

provided, however, that for any scheme of the future Constitution of India, the All-India Muslim League reaffirms and unequivocally declares that the following basic and fundamental principles must be secured and guaranteed, namely :

(1) All legislatures of the country and other elected bodies shall be constituted on a definite principle of adequate and effective representation of the minorities in every province without reducing the majority in any province to a minority or to an equality. (2) Representation of communal groups shall continue to be by means of separate electorates as at present, provided that it shall be open to any community at any time to abandon its separate electorate in favour of a joint electorate. (3) Any territorial redistribution that might at any time be necessary shall not in any way affect the Muslim majority in the Punjab, Bengal, and North-West Frontier Province. (4) Full religious liberty, that is, liberty of belief, worship, observances, progaganda, association and education, shall be guaranteed to all communities. (5) No Bill or resolution or any part thereof shall be passed in any legislature or in any other elected body, if three-fourths of the members of any community in that particular body oppose such a Bill or resolution or part thereof on the ground that it would be injurious to the interests of that community or in the alternative, such another method is devised as may be found feasible and practicable to deal with such a case.

The League hereby appoints a Committee of the following gentlemen as the Central Committee in order to formulate a scheme, so far as possible in consultation with a committee or committees that may be appointed by other political organizations, and to report the same to the Council of the League for the consideration of the League and for submission to the Royal Commission when it is appointed. The League also appoints provincial committees, with power to add to their number, to prepare and define a scheme of future reforms to be submitted to the Central Committee for their consideration.

(DELHI SESSION, 1931)

Resolution II

The Meeting of the All-India Muslim League, having carefully considered the statement of the Prime Minister made at the Round-Table-Conference on December 1, 1931 :

(a) places on record that the Government should be urged to make a definite announcement that the future Constitution of India shall embody such safeguards for Musalman interests as are considered necessary and adequate by the Muslim community itself;

(b) places on record its regret that the provisional decision of the British Government to defer the introduction of full autonomy in the provinces till the framing of the All-India Constitution, and urges on the Government the necessity of immediately placing the provinces in a fully autonomous and responsible position;

(c) places on record its disappointment at the failure of the British Government to make a definite announcement that Sind be constituted into a separate province, and demands that an unconditional announcement be made forthwith;

(d) reiterates its considered opinion that no constitution would be acceptable to the Musalmans, unless it secures and guarantees them :

—freedom of profession, practice and propagation of religion, education etc.

—representation to the extent of one-third in each Chamber of Federal Legislature,

—representation in the Legislature of the Provinces where Muslims are in a minority, in accordance with the proportion of representation at present enjoyed by them in the provinces,

—representation in the Legislatures of the Punjab and Bengal, in accordance with their proportion in the population of those provinces;

—a fair and adequate share in the Public Services and grants-in-aid.

(*DELHI SESSION, 1933*)

Resolution VIII

This Session of the All-India Muslim League is strongly of opinion that, for the success of the new Constitution, it is essential that the Muslim demands which yet remain to be met in respect of the following matters be provided for in the new Constitution :

(i) Allotment of the Muslim seats, as one-third of either of the two houses in the Central Legislature.

(ii) Provision for adequate representation of the Muslims from special constituencies.

(iii) Election to the Federal Upper House by the direct method and separate electorates.

(iv) Declaration of fundamental rights relating to Muslim personal laws; establishment of *Qazi's* courts in matters involving Muslim rites and usages.

(v) Adequate representation of Muslims in Orissa, after its separation from Bihar.

(vi) Provision for restraining legislation if three-fourths of the members of any particular community oppose the passage of a Bill, as adversely affecting their religion or their special rights under the Constitution.

(vii) Reforms in Baluchistan.

(*PATNA SESSION, 1938*)

Resolution X

The All-India Muslim League reiterates its view that the Scheme of Federation embodied in the Government of India Act, 1935, is not acceptable; but in view of the further develop-

ments that have taken place or may take place from time to time, it hereby authorizes the president of the All-India Muslim League to adopt such a course as may be necessary with a view to exploring the possibility of a suitable alternative which would safeguard the interests of the Musalmans and other minorities in India.

(*LAHORE SESSION, 1940*)

Resolution I

While approving and endorsing the action taken by the Council and the Working Committee of the All-India Muslim League, as indicated in their resolutions dated the 17th of August, 17th and 18th of September, and 22nd of October, 1939, and 3rd of February, 1940, on the constitutional issue, this Session of the All-India Muslim League emphatically reiterates that the scheme of federation embodied in the Government of India Act, 1935, is totally unsuited to, and unworkable in the peculiar conditions of this country, and is altogether unacceptable to Muslim India.

It further records its emphatic view that while the declaration dated the 18th of October, 1939, made by the Viceroy on behalf of His Majesty's Government is reassuring in so far as it declares that the policy and plan on which the Government of India Act, 1935, is based will be reconsidered in consultation with the various parties, interests and communities in India, Muslim India will not be satisfied unless the whole constitutional plan is reconsidered *de novo*, and that no revised plan would be acceptable to the Muslim unless it is framed with their approval and consent.

Resolved that it is the considered view of this Session of the All-India Muslim League that no constitutional plan would be workable in this country or acceptable to the Muslims unless it is designed on the following basic principles, viz., that geographically contiguous units are demarcated into regions which should be so constituted, with such territorial readjustments as may be necessary, that the areas in which the Muslims

are numerically in a majority, as in the North-Western and Eastern zones of India, should be grouped to constitute Independent States in which the constituent units shall be autonomous and sovereign.

That adequate, effective and mandatory safeguards should be specifically provided in the constitution for minorities in these units and in the regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them; and in other parts of India where the Musalmans are in a minority, adequate, effective and mandatory safeguards shall be specifically provided in the constitution, for them and other minorities, for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.

This Session further authorizes the Working Committee to frame a scheme of constitution in accordance with these basic principles, providing for the assumption finally, by the respective regions, of all powers, such as defence, external affairs, communications, customs and such other matters as may be necessary.

(*MADRAS SESSION, 1941*)

Resolution III

In the Constitution and Rules of the All-India Muslim League the following be substituted :

(1) The establishment of completely Independent States formed by demarcating geographically contiguous units into regions which shall be so constitued, with such territorial readjustments as may be necessary, that the areas in which the Musalmans are numerically in a majority, as in the North-Western and Eastern zones of India, shall be grouped together to constitute Independent States as Muslim Free National Homelands in which the constituent units shall be autonomous and sovereign;

(2) That adequate, effective and mandatory safeguards shall be specially provided in the Constitution for minorities in the above-mentioned units and regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them;

(3) That in other parts of India where the Musalmans are in a minority, adequate, effective, and mandatory safeguards shall be specifically provided in the Constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them.

(*DELHI SESSION, 1943*)

Resolution IX

This Session of the All-India Muslim League views with concern and grave apprehension the failure of the British Government to make an explicit declaration asked for in the resolution passed by the Working Committee of the All-India Muslim League, in Bombay on the 20th of August, 1942, which *inter alia says* :

The Working Committee of the All-India Muslim League note with dissatisfaction the attitude and policy of the British Government towards the national aspirations of 100 millions of Muslims of India. While the Congress aims at ignoring and suppressing the Muslim demand, the Working Committee regret that the British Government have been unresponsive to the Muslim League offer of co-operation. The appeasement of the Congress has been the central pivot of the Government's policy with barren and sterile results, and has now culminated in open defiance of law and order. Since the commencement of hostilities, the Muslim League has been ready and willing, either singly or in co-operation with other parties, to shoulder the responsibility for running the administration and mobilizing the resources of the country for the war effort and for the

defence of India, if a real share in the power and authority of the Government at the Centre and in the provinces is conceded within the framework of the present Constitution; and in pursuance of this policy, the Muslim League accepted the underlying principles of the August offer of 1940 of the British Government.

But the Government, in implementing the offer, nullified the essential principles of it, and so made it impossible for the Muslim League to co-operate with the Government on honourable terms. In spite of the fact that the British Government had spurned the offer of co-operation of the Muslim League, under the imminent shadow of the Japanese menace, the Muslim League once again reiterated their offer by their resolution of December 27, 1941, in the following words :

"In view of the fact that the entry of Japan in the war on the side of the Axis Powers has brought the danger much closer to India and has forced into greater prominence the question of the defence of India, the Working Committee consider it necessary to reiterate that the Muslim League from the very beginning has expressed its willingness to share the responsibility of defence of the country as is evident from the stand taken by the President of the All-India Muslim League as far back as November 1939.

"The Working Committee once more declare that they are ready and willing as before to shoulder the burden of defence of the country, singly or in co-operation with other parties, on the basis that a real share and responsibility is given in the authority of the Government at the Centre and the provinces within the frame-work of the present Constitution, but without prejudice to the major political issues involved in the framing of the future Constitution.

"The British Government completely ignored the offer of the Muslim League. While the proposals of Sir Stafford Cripps virtually conceded the Congress demands of the right of seccession from the British Commonwealth of Nations and the forming of a Constituent Assembly with a preponderantly

Hindu majority for the framing of the post-war Constitution, they merely recognized the possibility of establishing Pakistan supposed to be implicit in the non-accession scheme.

"The Working Committee are definitely of the opinion that if the Muslim masses are to be roused to intensify the war effort with all the sacrifices that are involved, it is only possible provided they are assured that it will lead to the realization of the goal of Pakistan The Muslim League therefore calls upon the British Government to come forward without further delay with an unequivocal declaration, guaranteeing to the Muslim the right of self-determination, and to pledge themselves that they will abide by the verdict of a plebiscite of Musalmans and give effect to the Pakistan scheme in consonance with the basic principles laid down by the Lahore resolution of the All-India Muslim League passed in March 1940.

"Having regard to the oft-repeated declaration of the United Nations to secure and guarantee the world, the Working Committee invite the immediate attention of the United Nations to the demand of 100 millions of Muslims of India to establish sovereign States in the zones which are their homelands and where they are in a majority.

"The Working Committee are fully convinced that Pakistan is the only solution of India's constitutional problem, and is in complete consonance with justice and fair play to the two great nations, Muslims and Hindus, inhabiting this vast subcontinent; whereas if the Congress demand is accepted, it would bring the 100 millions of Muslims under the yoke of a Hindu Raj, which must inevitably result either in anarchy and chaos or complete strangulation and annihilation of Muslims in India and all that Islam stands for. The Muslim League. as it has been repeatedly made clear, stands not only for Pakistan and the freedom of Muslims but also for the freedom and independence of Hindustan and Hindus.

"The Muslim League has been and is ready and willing to consider proposals and negotiate with any party on a footing of equality for the setting up of a Provisional Government of

India in order to mobilize the resources of the country for the purpose of the defence of India and successful prosecution of the war, provided the demands of Muslim India, as indicated above, are conceded unequivocally."

Since that resolution was passed, the speeches and statements made by responsible British statesmen, both in England and in India, lead to the conviction that not only the declaration, such as was asked for, will not be forthcoming, but that some kind of federal constitution, not necessarily on the model embodied in the Act of 1935, is under contemplation. This Session, therefore, warns the British Government in all earnestness that the imposition of such a federal constitution will be resisted by Muslim India with all its might, which will inevitably result in strife, bloodshed and misery, and the responsibility for which will rest on the British Government alone.

This Session of the All-India Muslim League is convinced that the attainment of the cherished goal of Pakistan is only possible by the untiring effort, willing sacrifices and grim determination of the Muslims, and that they should, therefore, do their utmost to a acquire the strength requisite for such an undertaking.

DELHI CONVENTION OF LEAGUE LEGISLATORS (7-9 April, 1946)

Whereas in this vast Subcontinent of India a hundred million Muslims are the adherents of a faith which regulates every department of their life (educational, social, economic and political), whose code is not confined merely to spiritual doctrines and tenets or rituals and ceremonies, and which stands in sharp contrast to the exclusive nature of Hindu Dharma Philosophy, which has fostered and maintained for thousands of years a rigid Caste System resulting in the degradation of 60 million human beings to the position of untouchables, the creation of unnatural barriers between man and man and super-imposition of social and economic inequalities on a large body of the people of this country, and which

threatens to reduce Muslims, Christians and other minorities to the status of irredeemable helots, socially and economically;

Whereas, the Hindu Caste System is a direct negation of nationalism, equality, democracy and all the noble ideals that Islam stands for;

Whereas, different historical backgrounds, traditions, cultures, social and economic orders of the Hindus and Muslims have made impossible the evolution of a single Indian nation inspired by common aspirations and ideals and whereas after centuries they still remain two distinct major nations;

Whereas, soon after the introduction by the British of the policy of setting up political institutions in India on the lines of Western democracies based on majority rule, which meant that the majority of one nation or society could impose its will on the other nation or society in spite of their opposition, as was amply demonstrated during the two and a half years' regime of Congress Governments in the Hindu majority provinces, under the Government of India Act 1935, when the Muslims were subjected to untold harassment and oppression, as a result of which they were convinced of the futility and ineffectiveness of the so-called safeguards provided in the Constitution and in the Instrument of Instruction to the Governors, and were driven to the irresistible conclusion that in a united Indian Federation, if established, the Muslims, even in majority provinces, would meet with no better fate, and their interests could never be adequately protected against the perpetual Hindu majority at the Centre;

Whereas the Muslims are convinced that with a view to save Muslim India from the domination of the Hindus and in order to afford them full scope to develop themselves according to their genius, it is necessary to constitute a sovereign independent State comprising Bengal and Assam in the North-East zone and the Punjab. North-West Frontier Province, Sind and Baluchistan in the North-West zone;

This Convention of the Muslim League Legislators of India,

Central and Provincial, after careful consideration hereby declares that the Muslim nation will never submit to any constitution for a united India and will never participate in any single constitution-making machinery set up for the purpose, and that any formula devised by the British Government for transferring power from the British to the peoples of India which does not conform to the following just and equitable principles, calculated to maintain internal peace and tranquillity in the country, will not contribute to the solution of the Indian problem.

1. That the zones comprising Bengal and Assam in the North-East and the Punjab, North-West Frontier Province, Sind and Baluchistan in the North-West of India, namely Pakistan zones where the Muslims are in a dominant majority, be constituted into a sovereign independent State and that an unequivocal undertaking be given to implement the establishment of Pakistan without delay;

2. That two separate constitution-making bodies be set up by the people of Pakistan and Hindustan for the purpose of framing their respective constitutions;

3. That the minorities in Pakistan and Hindustan be provided with safeguards on the lines of the All-India Muslim League Resolution passed on March 23, 1940, at Lahore;

4. That the acceptance of the Muslim League demand of Pakistan and its implementation without delay are the *sine qua non* for the Muslim League co-operation and participation in the formation of an Interim Government at the Centre.

This Convention further emphatically declares that any attempt to impose a constitution on a united-India basis or to force any interim arrangement at the Center contrary to the Muslim League demand will leave the Muslims no alternative but to resist such imposition by all possible means for their survival and national existence.

THE PLEDGE FOR PAKISTAN

"In the name of Allah, the Beneficent, the Merciful, say : My prayer and my sacrifice and my living and dying are all for Allah, the Lord of the worlds." (Quran)

I, a member of the Muslim League Party of the Legislative Assembly Council, do hereby solemnly declare my firm conviction that the safety and security, and the salvation and destiny of the Muslim Nation, inhabiting the Subcontinent of India lies only in the achievement of Pakistan, which is the one equitable, honourable and just solution of the constitutional problem, and which will bring peace, freedom and prosperity to the various nationalities and communities of this great Subcontinent.

I most solemnly affirm that I shall willingly and unflinchingly carry out all the directions and instructions which may be issued by the All-India Muslim League in pursuance of any movement launched by it for the attainment of the cherished national goal of Pakistan, and, believing as I do in the rightness and the justice of my cause, I pledge myself to undergo any danger, trial or sacrifice which may be demanded of me.

Our Lord bestow on us endurance and keep our steps firm and help us against the disbelieving people.—Amen."

JINNAH'S CONCLUDING ADDRESS

What are we fighting for ? What are we aiming at ? It is not theocracy—not for a theocratic State. Religion is there, and religion is dear to us. All the worldly goods are nothing to us when we talk of religion; but there are other things which are very vital—our social life, our economic life; but without political power how can you defend your faith and your economic life ?

After deliberation, we have made a resolve—we have made a solemn declaration in this august and historic Convention that while we hope for the best, we are prepared

for the worst. In a clear, emphatic and definite declaration, we have expressed our determination to face all danger. For us there is no other course.

I too belong to a 'minority province'. Muslims in these provinces are the pioneers and first soldiers of Pakistan. But now no question of minority or majority is left on the issue of Pakistan, it is now unanimity, except for a few who are still not with us.

I do not want to hurt their feelings; for after all, what is the use? And they do not count, but they might at least keep quiet now. Quite obviously they cannot; they have to do what they are doing; it is a case of the 'master's voice'.

They do not count, and I say on this platform, without fear of contradiction, that Muslim India is one and Pakistan is our demand.

As I said, I also belong to a minority province, but let 70 millions of our brethren establish their 'Raj'. But it is not only there is any safeguard known in the world for minority provinces, the most effective safeguard is the establishment of Pakistan. The present Constitution has safeguards also, but are paper safeguards any good?

What will you do if, after *Akhand* Hindustan is established, they want to change the Constitution? Who will prevent them? Five years or ten years, and then if they do away with separate electorates—what then? They will get stronger and stronger, and you will get weaker, and all safeguards will be blotted out one by one.

We are not going to start with quarrels. We shall have enough to do, and they will have enough to do, but if they begin it and our minorities are ill-treated, Pakistan cannot remain a passive spectator. If Britain in Gladstone's time could intervene in Armenia in the name of the protection of minorities, why should it not be right for us to do so in the case of our minorities in Hindustan—if they are oppressed?

There are those who say to us 'What is the good of your talking of Pakistan when you cannot from Ministries even in your majority provinces ?' I say to them; this is the very reason why we want to get rid of the existing ·Act of 1935 and establish Pakistan. Look at the spirit in which they are forming Ministries in the Muslim minority provinces and hindering us from forming Ministries in our majority Provinces.

We have taken this oath now—Ministries are nothing, merely a playpen under a nurse.

We Muslims have got everything—brains, intelligence, capacity and courage—virtues that nations must possess. But two things are lacking, and I want you to concentrate your attention on these. One thing is that foreign domination from without and Hindu domination here, particularly on our economic life, has caused a certain degeneration of these virtues in us.

We have lost the fullness of our noble character. And what is character ? The highest sense of honour and the highest sense of integrity, conviction, incorruptibility, readiness at any time to efface oneself for the collective good of the nation.

And yet, we have done wonders. In five years our renaissance has been a miracle of achievement. I begin to think it has been a dream. How rapidly the nation is developing that character again in its pristine nobility ! Our men, our women, our children—they think, talk and act differently now.

No nation achieves anything unless its women go side by side with men—even to the battlefield.

Is Britain going to decide the destiny of 100 million Muslims ? No. Nobody can. They can obstruct, they can delay for a little while, but they cannot stop us from our goal. Let us, therefore, rise at the conclusion of this historic Convention full of hope, courage and faith. Insha' Allah we

shall win.

JINNAH'S ADDRESS

Members of the Central Legislature and of the various Provincial Legislatures who have gathered together in this Convention, I offer you my cordial thanks and welcome you in this Convention.

You know that in the battle of elections that was raging for months all over India, by the grace of God and with your sweating labour we have won a victory for which there is no parallel in this world. Ladies and Gentlemen, we had to fight against heavy odds, powerful organizations and all the manoeuvres and machinations of our enemies. But I am glad to say that we have routed our opponents in every battlefield. To-day this historic record stands, that we have captured something like 90 per cent of the Muslim seats, and you have gathered here to-day as the chosen legislative representatives of various constituencies all over India. This Convention is one the like of which has never taken place in the history of India.

It is a heavy and sacred responsibility that we bear as elected and chosen representatives of our people. This Convention is going to lay down once for all, in unequivocal terms as to what we stand for, and I have no doubt that we are of one opinion only, and that we stand for Pakistan, and we shall not falter or hesitate to fight for it, to die for it if necessary—and achieve it we must, or else we perish.

Now you will have the opportunity of exchanging your view among yourselves. We have tried to lay down a practical programme; and the programme is that after my address to you, you form yourselves into a Subjects Committee—and each province will select a limited number because we cannot have a large body. After this Subjects Committee is formulated, any resolution or resolutions will be placed before the full House. You cannot discuss a resolution when there is a large body, and the practical way of dealing with it is that each

province should elect its quota of 10 per cent; to that will be added the members of the Central Legislature, and that will be a very small number. That will form your Subjects Committee. There we shall have to carefully examine and review the entire situation that is facing us especially with reference to the solution of the constitutional problem of Pakistan, and in view of the fact that the Cabinet Mission is now here and they have come to discuss matters with us.

Now, I think you have been reading various statements and speeches that are made every day especially in the last three weeks, I have tried to understand what the Congress position is, and I put it before you as I see it.

The Congress position, according to the latest pronouncements of the leading spokesmen of the Congress, during the course of this week, is this : In answer to the Muslim demand of Pakistan, Sardar Vallabhbhai Patel says : "The Congress can accommodate the Muslim League to the extent of reorganizing the provinces and giving the fullest autonomy possible to those areas in which the Muslims are predominantly in the majority." He goes on to say : "This would be subject to there being a strong Centre, which would be necessary for the defence of India as a whole." "The Congress", he adds, "would never agree to the idea of there being two nations, nor will it recognize nationality based upon religion."

Pandit Jawaharlal Nehru said on April 4, that the way to deal with the present situation was to see Indian independence clearly recognized and leave Indians to compose their differences and find a way out without interference. "It is always difficult to consider these differences in relation to the presence of a third party which controls the situation. When once it is clearly and definitely realized that India is going to function as an independent entity and that the people of India of various groups and communities must come to terms or unfortuntely fight before they come to terms, then reality comes into the picture." He further goes on to say that he envisages, as the first stage after the recognition of independence, the

creation of a constitution-making body with sovereign authority. In another recent speech, he was good enough to offer a 'diluted Pakistan' under the suzerainty of a strong Central Congress Government.

If you reduce this Congress formula, it comes to this: that the British Government must first grant independence and hand over the machinery of the Government—both civil and military—to the Congress by way of setting up a national Government of their conception and stand aside. When they are fully saddled in that power and authority, they will proceed to form a constitution-making body with sovereign authority, which will finally decide the fate of 400 million people inhabiting this vast subcontinent. Then, acording to Pandit Nehru, the various communities and groups must submit to the decision or fight, and then reality comes into picture.

But we have already got the reality in front of us, and it is foolish to shut our eyes and imagine that the Congress Interim Government or a decree, the writ and the fiat of the so-called constitution-making body of his conception, will command allegiance, respect and obedience. If such a proposal be given effect to and a Government of his dream is set up, it will not hold for 48 hours. It is inconceivable that this Fascist Grand Council should be vested with full powers immediately to decree the fate and destiny of 100 million people—the existing machinery in their hands to be used against 100 million Musalmans and other millions of minorities of and other interests involved. It seems that Congress does not realize how fantastic this proposal and scheme is, whatever you may call it.

On the other hand, the Muslim League proceeds on the basis of reality. I have explained in great detail the fundamental and vital differences between the Hindus and the Muslims. There never has been, for all these centuries, either social or political unity between these two major nations. The Indian unity that we talk of to-day is held by the British Government, and they have—by their ultimate sanction of the

police and army—maintained peace and law and order in this country.

The Congress claim is founded on a nationality which does not exist, except in the eyes of those who merely dream. Our formula is based on the territory of this Subcontinent being carved into two sovereign states of Hindustan and Pakistan.

Next, the acceptance of the fundamental principle of Pakistan is a *sine qua non* of the consideration of the question of Muslim League co-operation in an Interim Central Government—and further a clear and unequivocal undertaking must be given to implement it without delay. Then alone we can get to the next step.

It follows that the idea of a single constitution-making body has then no place and we shall not accept it, for it means our consent to proceed on the basis of a united India, which is impossible, and we cannot give our consent to such a course. Apart from many other objections, one is quite clear : that a single constitution-making body will only register the decree of the Congress, and it is a foregone conclusion that Muslims will be in a hopeless minority there.

On the other hand, according to our formula, there would be two sovereign constitution-making bodies, one for Hindustan and the other for Pakistan, and it is the Pakistan constitution-making body which will be in a position to deal with defence or such other matters as may require adjustment, by virtue of contiguity, which will naturally arise. But all this can only be done by means of treaties and agreements between Pakistan and Hindustan.

We cannot accept any proposal which would be, in any way, derogatory to the full sovereignty of Pakistan.

Our formula gives the Hindus three-fourths of this Subcontinent, with a population of nearly 250 millions. Hindustan will be a State bigger than any other State in the world, both in area and population, except China, and we shall have only one-fourth, and in this way we can both live according to our

ideals, culture and the social construction of the two major nations. Whereas, if the Congress demand is accepted, it is clear as day-light that we shall be thrown under the yoke not only of Hindu Raj but this present Congress Junta will still have the temerity to harp that they alone represent India, and that they are the sole successors to step in and establish the Congress Raj in place of the British Raj—a position which is impossible and intolerable.

Muslim India will never agree to its realization, and will be bound, and will have no other course open but to resist it by every means possible.

The British are threatened that if they don't surrender to the Congress demand there will be bloodshed, for which preparations are going on : that they will paralyse British trade, and they further threaten that the same will be the result if they favour Pakistan.

If, unfortunately, the British are stampeded by the threat of bloodshed, which is more a bluff than a reality, this time Muslim India is not going to remain passive or natural. It is going to play its part and face all dangers. Mr. Nehru is greatly mistaken that there might be trouble, as he says, but not very much. He is still living in the atmosphere of 'Anand Bhawan'.

Equally, if the British fall a prey and are prepared to sell the Muslims for trade facilities, which are so profusely offered by the Congress leaders to them -and Mr. Gandhi has gone one better, as he has strongly expressed the view that they will be ready and willing to give 'preferences' to British goods. But they forget that the consumer has got a say in the matter, too, and not merely the Hindu capitalist patrons of the Congress, and that the largest consumers of British goods are Muslims. I hope that the commercial tendencies of Britain will not stampede into such alluring promises and attractive preferential trade offers. In fact, the Congress is always in the habit of giving terms, but they only not mean to keep them, and they over-rule any commitment that may be made according to the

circumstances that may suit the Congress.

But apart from that : are the British going to sell the 100 million Muslims and millions of other minorities for the sake of illusory hopes and promises of their having a flourishing trade, commerce an markets in India ? It will be the greatest tragedy indeed in the history of Great Britain to go to that length—and what is more, it will never be realized.

Gentlemen, I have had, as you know, long talks with the Secretary of State for India unofficially, and thereafter officially with the Cabinet Mission as a whole. I am not in a position to tell you anything except that it was a free and most cordial exchange of views on various matters relating to the solution of India's constitutional problem that is facing us. But so far as we are concerned, there can be no compromise on the fundamentals of Pakistan and its sovereignty.

We cannot agree to a single constitution-making body, because it will mean our signing our death-warrant and we cannot agree to consider any interim arrangement unless the Pakistan scheme is accepted as a *sine qua non*.

If any interim arrangement or constitution is forced upon us, we have no other course open to us but to resist it in every way possible. I am sure I say this on behalf of all of you, that we are prepared to sacrifice anything and every thing, but we shall not submit to any scheme of government prepared without our consent. And if the British go to that length, they will be guilty of the grossest breach of faith and the solemn assurances that they gave us when they wanted our blood and money in the midst of war by their declaration of August 1940. It will be the last straw on the camel's back, and we shall bear it with courage and determination and resist it by all means if they betray us. God is with us because our course is righteous and our demand is just to both Hindus and Muslims inhabiting this great Subcontinent, so we have nothing to fear. Let us march forward with complete unity amongst ourselves, as disciplined soldiers of Pakistan.

Gentlemen, I am sure that you are full of joy and happiness at the great victory that we have achieved in the elections. You have shown to the world that we are a united nation, and that we mean business. Now the only thing I can say is this : I do not think there is any power or any authority that can prevent us from achieving our cherished goal of Pakistan. There is only one condition— unity, and I am confident that we shall march on from victory to victory until we have Pakistan.

ALL-INDIA MUSLIM LEAGUE PRESIDENT'S MEMORANDUM ON MINIMUM DEMANDS

(*May 12, 1946*)

The following Memorandum was issued by the President of the All-India Muslim League, embodying minimum demands by way on offer, in accordance with the Simla Tripartite Conference decision, dated May 12, 1946, which had been endorsed by the League Working Committee meeting at Simla, May 10-13, 1946 :

1. The six Muslim Provinces (Punjab, N. W. F. P., Baluchistan, Sind, Bengal and Assam) shall be grouped together as one group and will deal with all other subjects and matters except Foreign Affairs, Defence and Communications necessary for Defence, which may be dealt with by the Constitution-making Bodies of the two groups of Provinces—Muslim Provinces (hereinafter named Pakistan Group) and Hindu Provinces—sitting together.

2. There shall be a separate Constitution-making Body for the six Muslim Provinces named above, which will frame Constitutions for the Group and the Provinces in the Group and will determine the list of subjects that shall be Provincial and Central (of the Pakistan Federation) with residuary sovereign powers vesting in the Provinces.

3. The method of election of the representatives to the Constitution-making Body will be such as would secure proper representation to various communities in proportion to their

population in each Province of the Pakistan Group.

4. After the Constitutions of the Pakistan Federal Government and the Provinces are finally framed by the Constitution-making Body, it will be open to any Province of the Group to decide to opt out of its Group, provided the wishes of the people of that Province are ascertained by a referendum to opt out or not.

5. It must be open to discussion in the Joint Constitution-making Body as to whether the Union will have a Legislature or not. The method of providing the Union with finance should also be left for decision of the joint meeting of the two Constitution-making bodies, but in no event shall it be by means of taxation.

6. There should be parity of representation between the two Groups of Provinces in the Union Executive and the Legislature, if any.

7. No major point in the Union Constitution which affects the communal issue shall be deemed to be passed by the Joint Constitution-making Body, unless the majority of the members of the Constitution-making Body of the Hindu Provinces and the majority of the members of the Constitution-making Body of the Pakistan Group present and voting, are separately in its favour.

8. No decision, legislative, executive or administrative, shall be taken by the Union in regard to any matter of a controversial nature, except by a majority of three-fourths.

9. In Group and Provincial Constitutions fundamental rights and safeguards concerning religion, culture and other matters affecting different communities will be provided for.

10. The Constitution of the Union shall contain a provision whereby any Province can, by a majority vote of its Legislative Assembly, call for reconsideration of the terms of the Constitution and will have the liberty to secede from the Union at any time after an initial period of 10 years.

These are the principles of our offer for a peaceful and amicable settlement and this offer stands in its entirety, and all matters mentioned herein are interdependent.

INDIAN NATIONAL CONGRESS PROPOSALS FOR AGREEMENT

(*May 12, 1946*)

1. The Constituent Assembly to be formed as follows :

(i) Representatives shall be elected by each Provincial Assembly by proportional representation (single transferable vote). The number so elected should be one-fifth of the number of members of the Assembly and they may be members of the Assemby or others.

(ii) Representatives from the States on the basis of their population in proportion to the representation from British India. How these representatives are to be chosen is to be considered later.

2. The Constituent Assembly should draw up a constitution for the Federal Union. This shall consist of an All-India Federal Government and Legislature dealing with Foreign Affairs, Defence, Communications, Fundamental Rights, Currency, Customs and Planning as well as such other subjects as, on closer scrutiny, may be found to be intimately allied to them. The Federal Union will have necessary powers to obtain for itself the finance it requires for these subjects and the power to raise revenues in its own right. The Union must also have power to take remedial action in cases of breakdown of the Constitution and in grave public emergencies.

3. All the remaining powers shall vest in the Provinces or Units.

4. Groups of Provinces may be formed and such Groups may determine the Provincial Subjects which they desire to take in common.

5. After the Constituent Assembly has decided the Constitution for the All-India Federal Union as laid down in Paragraph 2 above, the representatives of the Provinces may form Groups to decide the Provincial Constitutions for their Group and, if they wish, a Group Constitution.

6. No major point in the All-India Federal Constitution which affects the communal issue shall be deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present in the Assembly and voting are separately in its favour. Provided that in case there is no agreement on any such issue, it will be referred to arbitration. In case of doubt as to whether any point is a major communal issue, the Speaker will decide, or, if so desired, it may be referred to the Federal Court.

7. In the event of a dispute arising in the process of constitution, making, the specific issue shall be referred to arbitration.

8. The Constitution should provide machinery for its revision as any time subject to such checks as may be devised. If so desired, it may be specifically stated that this whole Constitution may be reconsidered after ten years.

INDIAN NATIONAL CONGRESS NOTE ON MUSLIM LEAGUE MEMORANDUM

(May 12, 1946)

The approach of the Muslim League is so different from that of the Congress in regard to these matters that it is a little difficult to deal with each point separately without reference to the rest. The picture as envisaged by the Congress is briefly given in a separate note. From consideration of this note and the Muslim League's proposals, the difficulties and the possible agreement will become obvious.

The Muslim League's proposals are dealt with below briefly :

(1) We suggest that the proper procedure is for one Constitution-making Body or Constituent Assembly to meet for the whole of India and later for Groups to be formed, if so desired, by the Provinces concerned. The matter should be left to the Provinces; and if they wish to function as a Group, they are at liberty to do so and to frame their own Constitution for the purpose.

In any event, Assam has obviously no place in the Group mentioned, and the North-West Frontier Province, as the elections show, is not in favour of this proposal.

(2) We have agreed to Residuary Powers, apart from the Central Subjects, vesting in the Provinces. They can make such use of them as they like and, as has been stated above, function as a Group. What the ultimate nature of such a Group may be cannot be determined at this stage and should be left to the representatives of the Provinces concerned.

(3) We have suggested that the most suitable method of election would be by single transferable vote. This would give proper representation to the various communities in proportion to their present representation in the Legislatures. If the population proportion is taken, we have no particular objection; but this would lead to difficulties in all the Provinces where there is weightage in favour of certain communities. The principle approved of would necessarily apply to all the Provinces.

(4) There is no necessity for the opting out of a Province from its group as the previous consent of the Provinces is necessary for joining the group.

(5) We consider it essential that the Federal Union should have a Legislature. We also consider it essential that the Union should have powers to raise its own revenue.

(6) and (7) We are entirely opposed to parity of representation as between groups of Provinces in the Union Executive or Legislature. We think that the provision to the effect that no major communal issue in the Union Constitution shall be

deemed to be passed by the Constituent Assembly unless a majority of the members of the community or communities concerned present and voting in the Constituent Assembly are separately in its favour, is a sufficient and ample safeguard for all minorities. We have suggested something wider, and including all communities, than has been proposed elsewhere. This may give rise to some difficulties in regard to small communities, but all such difficulties can be got over by reference to arbitration. We are prepared to consider the method of giving effect to this principle so as to make it more feasible.

8. This proposal is so sweeping in its nature that no Government or Legislature can function at all. Once we have safeguarded major communal issues, other matters, whether controversial or not require no safeguard. This will simply mean safeguarding vested interests of all kinds and preventing progress, or indeed any movement in any direction. We, therefore, entirely disapprove of it.

9. We are entirely agreeable to the inclusion of fundamental rights and safeguards concerning religion, culture and like matters in the Constitution. We suggest that the proper place for this is the All-India Federal Union Constitution. There should be uniformity in regard to these fundamental rights all over India.

(10) The Constitution of the Union will inevitably contain provisions for its revision. It may also contain a provision for its full reconsideration at the end of 10 years. The matter will be open then for a complete reconsideration. Though it is implied, we would avoid reference to secession as we do not wish to encourage this idea.

JINNAH'S REACTION TO THE CABINET MISSION STATEMENT

(*May 22, 1946*)

I have now before me the Statement of the British Cabinet Delegation and His Excellency the Viceroy dated May 16,

1946, issued at Delhi. Before I deal with it, I should like to give the background of the discussions that took place at Simla from May 5 onwards till the Conference was declared concluded and its breakdown announced in the official communique dated May 12, 1946. We met in the Conference on May 5 to consider the formula embodied in the letter of the Secretary of State for India, dated April 27, inviting the League representatives. The formula was as follows :

"A Union Government dealing with the following subjects : Foreign Affairs, Defence and Communications.

"There will be two Groups of Provinces, one of the predominantly Hindu Provinces and the other of the predominantly Muslim Provinces, dealing with all other subjects which the Provinces in the respective Groups desire to be dealt with in common. The Provincial Governments will deal with all other subjects and will have all the residuary sovereign rights."

The Muslim League's position was as follows : Firstly, the zones comprising Bengal and Assam in the North-East, and the Punjab, the N.W.F.P. Sind and Baluchistan in the North-West of India constituted Pakistan zones and should be constituted as a sovereign independent State, and an unequivocal undertaking should be given to implement the establishment of Pakistan without delay.

Secondly, that separate Constitution-making Bodies be set up by the people of Pakistan and Hindustan for the purpose of framing their respective Constitutions.

Thirdly, that minorities in Pakistan and Hindustan be provided with safeguards on the lines of the Lahore Resolution.

Fourthly, that the acceptance of the League demand and its implementation without delay were a *sine qua non* for the League co-operation and participation in the formation of an Interim Government at the Centre.

Fifthly, it gave a warning to the British Government against any attempt to impose a Federal Constitution on a united-India basis, or forcing any interim arrangement at the Centre, contrary to the League demands; and that Muslim India would resist if any attempt to impose it were made. Besides, such an attempt would be the grossest breach of faith of the Declaration of His Majesty's Government made in August, 1940, with the approval of the British Parliament, and subsequent pronouncement by the Secretary of State for India and other responsible British statesmen, from time to time reaffirming the August Declaration.

We accepted the invitation to attend the Conference without prejudice, without any commitment and without accepting the fundamental principles underlying this short formula of the Mission, on the assurance given by the Secretary of State for India in his letter, dated April 29, 1946, wherein he said : "We have never contemplated that acceptance by the Muslim League and the Congress of our invitation would imply, as a preliminary condition, full approval by them of the terms set out in my letter. These terms are our proposed basis for a settlement, and what we have asked the Muslim League Working Committee to do is to agree to send its representatives to meet ourselves and representatives of the Congress in order to discuss it."

The Congress position, in reply to the invitation, was stated in their letter of April 28, 1946, that a strong Federal Government at the Centre, with present Provinces as federating units, be established and they laid down that Foreign Affairs, Defence, Currency, Customs, Tariffs and "such other subjects as may be found on closer scrutiny to be intimately allied to them," should vest in the Central Federal Government. They negatived the idea of grouping of provinces. However, they also agreed to participate in the Conference to discuss the formula of the Cabinet Delegation.

After days of discussion no appreciable progress was made. Finally, I was asked to give our minimum terms in writing.

Consequently, we embodied certain fundamental principles of our terms in writing as an offer to the Congress in the earnest desire for a peaceful and amicable settlement and for the speedy attainment of freedom and independence of the peoples of India. It was communicated to the Congress on May 12, and a copy of it was sent to the Cabinet Mission at the same time.

The following were the terms of the offer* :

The crux of our offer, as it will appear from its text, was, *inter alia*, that the six Muslim provinces should be grouped together as the Pakistan Group and the remaining as the Hindustan Group, and on the basis of two Federations, we were willing to consider the Union of Confederation strictly confined to three subjects only, namely, Foreign Affairs, Defence and Communications necessary for defence which the two sovereign Federations would voluntarily delegate to Confederation. All the remaining subjects and the residue were to remain vested in the two Federations dnd the Provinces respectively. This was intended to provide for a transitional period; as after an initial period of 10 years, we were free to secede from the Union. But unfortunately this most conciliatory and reasonable offer was in all its fundamentals not accepted by Congress, as will appear from their reply to our offer. On the contrary, their final suggestions were the same as regards the subjects to be vested in the Centre as they had been before the Congress entered the Conference, and they made one more drastic suggestion for our acceptance, that the Centre "must also have power to take remedial action in cases of breakdown of the Constitution and in grave public emergencies". This was stated in their reply, dated May 12, which was communicated to us.

At this stage the Conference broke down, and we were informed that the British Cabinet Delegation would issue their Statement, which is now before the public.

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*See Minimum Demands ante.

To begin with, the Statement is cryptic with several lacunas, and the operative part of it is comprised of a few short paragraphs to which I shall refer later.

I regret that the Mission should have negatived the Muslim demand for the establishment of a completely sovereign State of Pakistan, which we still hold is the only solution of the constitutional problem of India, and which alone can secure stable governments and lead to the happiness and welfare, not only of the two major communities, but of all the peoples of this Subcontinent.

It is all the more regrettable that the Mission should have thought fit to advance commonplace and exploded arguments against Pakistan and to resort to special pleadings couched in a deplorable language which is calculated to hurt the feelings of Muslim India.

It seems that this was done by the Mission simply to appease and placate the Congress, because when they come to face the realities, they themselves have made the following pronouncement embodied in Paragraph 5 of the Statement, which says: "This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India, since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu majority rule. This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India, it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion and economic or other interests."

And again in Paragraph 12: "This decision does not, however, blind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element."

And now what recommendations have they made to

effectively secure the object in view and in the light of the very clear and emphatic conclusion they arrived at in Paragraph 12 of the statement ?

(1) They have divided Pakistan into two, what they call Section B (for the North-Western Zone) and Section C (for the North-Eastern zone).

(2) Instead of two Constitution-making Bodies only one Constitution making Body is devised with these sections A[1], B and C.

(3) They lay down that "three should be a Union of India embracing both British India and the States which should deal with the following subjects : Foreign Affairs, Defence and Communications; and should have the powers necessary to raise the finances required for the above subjects." There is no indication at all that Communications would be restricted to what is necessary for Defence, nor is there any indication as to how this Union will be empowered to raise the finances required for these three subjects, while our view was that finance should be raised only by contribution and not by taxation.

(4) It is laid down that "the Union should have an Executive and a Legislature constituted from British Indian and States' representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as majority of all the members present and voting." While our view was : (a) that there should be no Legislature for the Union but the question should be left to the Constituent Assembly to decide; (b) that there should be parity of representation between the Pakistan Group and the Hindustan Group in the Union Executive and Legislature if any; (c) that no decision, legislative, executive

1. Comprising the six provinces of Madras, Bombay, the United Provinces, Bihar, the Central Provinces, and Orissa.

or adminstrative, should be taken by the Union in regard to any matter of a controversial nature except by a majority of three-fourths. All these three terms of our offer have been omitted from the statement.

No doubt, there is one safeguard for the conduct of business in the Union Legislature, that "any question raising a major communal issue in the Legislature should require for its majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting." Even this is vague and ineffective. To begin with, who will decide and how as to what is a major communal issue and what is a purely non-communal issue ?

(5) Our proposal that the Pakistan Group should have a right to secede from the Union after an initial period of 10 years, although the Congress had no serious objection to it, has been omitted; and now we are limited to only a reconsideration of the terms of the Union Constitution after an initial period of 10 years.

(6) Coming to the constitution-making machinery, here again a representative of British Baluchistan is included in Section B, but how he will be elected is not indicated.

(7) With regard to the Constitution-making Body for the purpose of framing the proposed Union Constitution, it will have an overwhelming Hindu majority, as in a House of 292 for British India, the Muslim strength will be 79; and if the number allotted to Indian States, 93, is taken into account, it is quite obvious that the Muslim proportion will be further reduced, as the bulk of the State representatives would be Hindus This Assembly so constituted will elect the Chairman and other officers, and, it seems, also the members of the Advisory Committee referred to in Paragraph 20 of the Statement by a majority, and the same rule will apply also to other normal business. But I note that there is only one saving clause which runs as follows :

"In the Union Constituent Assembly resolutions varying the provisions of Paragraph 15 above or raising any major communal issue shall require a majority of representatives present and voting of each of the two major communities. The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues, and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision."

It follows, therefore, that it will be the Chairman alone who will decide. He will not be bound by the opinion of the Federal Court, nor need anybody know what that opinion is, as the Chairman is merely directed to consult the Federal Court.

With regard to the Provinces opting out of their Group, it is left to the new Legislature of the Provinces, after the first general election, under the new Constitution, to decide, instead of a referendum of the people as was suggested by us.

(8) As for Paragraph 20, which runs as follows: "The Advisory Committee on the rights of citizens, minorities and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of fundamental rights, the clauses for the protection of minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial Group or Union." This raises a very serious question indeed, for if it is left to the Union Constituent Assembly to decide these matters by a majority vote whether any of the recommendations of the Advisory Committee should be incorporated in the Union Constitution, then it will open a door to more subjects being vested in the Union Government. This will destroy the very basic principle that the Union is to be strictly confined to three subjects.

These are some of the main points which I have tried to put before the public after studying this important document.

I do not wish to anticipate the decision of the Working Committee and the Council of the All-India Muslim League, which are going to meet shortly at Delhi. They will finally take such decisions as they may think proper after a careful consideration of the pros and cons and a through and dispassionate examination of the Statement.

19

IMPORTANT DOCUMENTS

CONGRESS—MUSLIM PACT

Muslim Delegation to the Round Table Conference

Tel. Victoria 2360
Telegrams : "Courtlike" London.

Queen's House,
57, St. James's Court
Buckingham Gate,
LONDON, S.W.1.
6th October, 1931.

The following proposals were discussed by Mr. Gandhi and the Muslim Delegation at 10 p. m. last night. They are divided into two parts—the proposals made by the Muslims for safeguarding their rights, and the proposals made by Mr. Gandhi regarding the Congress policy. They are given herewith as approved by Mr. Gandhi, and placed for submission to the Muslim Delegation for their opinion.

MUSLIM PROPOSALS

1. In the Punjab and Bengal bare majority of one per cent of Musalmans, but the question of whether it should be by means of joint electorates and reservation of 51 per cent of the whole house, or separate electorates with 51 per cent seats in the whole house should be referred to the Musalman votes before the new constitution comes iuto force and their verdict should be accepted.

2. In other provinces where the Musalmans are in a minority the present weightage enjoyed by them to continue, but whether the seats should be reserved to joint electorates, or whether they should have separate electorates should be deter-

mined by the Musalman votes by a referendum under the new constitution, and their verdict should be accepted.

3. That the Musalman representatives to the Central Legislature in both the houses should be 26 per cent of the total number of the British India representatives, and 7 per cent at least by convention should be Musalmans, out of the quota that may be assigned to Indian States, that is to say, one-third of the whole house when taken together.

4. That the residuary power should vest in the federating Provinces of British India.

5. That the other points as follows being agreed to :

1. Sindh.
2. N.W.F.P.
3. Services.
4. Cabinet.
5. Fundamental rights and safeguards for religion and culture.
6. Safeguards against legislation affecting any community.

MR. GANDHI'S PROPOSALS

1. That the Franchise should be on the basis of adult suffrage.

2. No special reservations to any other community save Sikhs and Hindu minorities.

3. The Congress demands :

A. Complete independence.
B. Complete control over the defence immediately.
C. Complete control over external affairs.
D. Complete control over finance.
E. Investigation of public debts and other obligations by an independent tribunal.
F. As in the case of a partnership, right of either party to terminate it.

THE COMMUNAL AWARD (1932)

Declared by Prime Minister Ramsay MacDonald, in place of the Minorities' Pact arrived at between the minority communities at the time of the Third Round Table Conference.

(1) In the statement made by the Prime Minister in December last, on behalf of His Majesty's Government, at the close of the second session of the Round Table Confrence which was immediately afterwards endorsed by both Houses of Parliament, it made plain that, if the communities in India were unable to reach a settlement acceptable to all parties on communal questions which the Conference had failed to solve, His Majesty's Government were determinded that India's constitutional advance should not on that account be frustrated, and they would remove this obstacle by devising and applying themselves to a provisional scheme.

(2) On March 19 last, His Majesty's Government, having been informed that the continued failure of the communities to reach an agreement was blocking the progress of plans for the framing of the new constitution, stated that they were engaged upon a careful re-examination of the difficult and controversial questions which arise. They are now satisfied that, without the decision of at least some aspects of the problems connected with the position of the minorities under the new constitution no further progress can be made with the framing of the constitution.

(3) His Majesty's Government have accordingly decided that they will include provisions to give effect to the scheme set out below in the proposals relating to the Indian constitution to be laid in due course before Parliament. *The scope of this scheme is purposely confined to the arrangements to be made for the representation of British Indian Communities in Provincial legislatures, consideration of representation in the Legislature at the Centre being deferred for the reason given in paragraph 20 below.* The decision to limit the scope of the scheme does not imply a failure to realise that the framing of the constitution will necessitate the decision of a number of other problems of great

importance to minorities, but has been taken in the hope that, once a pronouncement has been made upon the basic question of the method and proportions of representation, the communities themselves may find it possible to arrive at a 'modus vivendi' on the other communal problems which have not as yet received the examination they required.

(4) His Majesty's Government wish it to be most clearly understood that they themselves can be no parties to any negotiations which may be initiated with a view to the revision of their decision, and will not be prepared to give consideration to any representation aimed at securing a modification of it, which is not supported by all parties affected. But they are most desirous to close no door to an agreed settlement, should such happily be forthcoming. If, therefore, before the new Government of India Act is passed into law, they are satisfied that the communities, who are concerned, are mutually agreed upon a practicable alternative scheme, either in respect of any one or more of the Governor's Provinces, or in respect of the whole of British India, they will be prepared to recommend to Parliament that the alternative should be substituted for the provisions now outlined.

(5) Seats in the Legislative Councils in Governor's Provinces or in the Lower House, if there is an Upper Chamber, will be allocated as shown in para 24 below.

(6) Election to the seats allotted to Muslims, European and Sikh constituencies will be by voters voting in separate communal electorates, covering between them the whole area of the Provinces apart from any portions which may, in special cases, be excluded from the electoral area as "backward".

Provision will be made in the constitution itself to empower revision of this electoral arrangement and other similar arrangements mentioned below after ten years, with the assent of the communities affected, for the ascertainment of which suitable means will be devised.

(7) All qualified electors, who are not voters, either a

Muslim, Sikh, Indian Christian (see para. 10), Anglo-Indian (see para. 11) or European constituency, will be entitled to vote in a general constituency.

(8) Seven seats will be reserved for Mahrattas in certain selected plural member general constituencies in Bombay.

(9) Members of the "Depressed Classes" qualified to vote will vote in a general constituency. In view of the fact that, for a considerable period, these classes would be unlikely, by this means alone, to secure any adequate representation in a legislature, a number of special seats will be assigned to them as shown in para. 24 below. These seats will be filled by elections from special constituencies in which only members of the "Depressed Classes" electorally qualified will be entitled to vote. Any person voting in such special constituency will, as stated above, be also entitled to vote in general constituency. It is intended that these constituencies should be formed in selected areas where the "Depressed Classes" are most numerous, and that, except in Madras, they should not cover the whole area of the province.

In Bengal, it seems possible that, in some general constituencies the majority of voters will belong to the Depressed Classes. Accordingly, pending further investigation, no number has been fixed for members to be returned from special Depressed Classes constituencies in that Province. It is intended to secure that the Depressed Classes should obtain not less than ten seats in the Bengal Legislature.

The precise definition in each Province of those who (if electorally qualified) will be entitled to vote in special Depressed Class constituencies has been finally determined. It would be based as a rule on the general principles advocated in the Franchise Committee's Report. Modification may, however, be found necessary in some Provinces in Nothern India where the application necessary of the general criteria of untouchability might result in a definition unsuitable in some respects to the special conditions of the Province.

His Majesty's Government do not consider that these special Depressed Classes constituencies will be required for more than a limited time. They intend that the constitution shall provide that they shall come to an end after twenty years, if they have not previously been abolished under the general powers of electoral revision referred to in para. 6.

(10) Election to the seats allotted to Indian Christians will be by voters voting in separate communal electorates. It seems almost certain that the formation of Indian Christian constituencies covering the whole area of a province will be impracticable and that, accordingly, special Indian Christian constituencies will have to be formed only in one or two selected areas in a Province. Indian Christian voters in these areas will not vote in a general constituency. Indian Christian voters outside these areas will vote in a general constituency, special arrangements may be needed in Bihar and Orissa, where a considerable proportion of the Indian Christian Community belongs to aboriginal tribes.

(11) Election to seats allotted to Anglo-Indians will be by voters voting in separate communal electorates. It is at present intended, subject to investigation of any practical difficulties that may arise, that Anglo-Indian constituencies shall cover the whole area of each Province, postal ballot being employed; but no final decision has yet been reached.

(12) The method of filling seats assigned for representatives from backward areas is still under investigation, and the number of seats so assigned should be regarded as provisional pending final decision as to the constitutional arrangements to be made in relation to such areas.

(13) His Majesty's Government attach great importance to securing that the new legislatures should contain at least a small number of women members. They feel that at the outset, this object could not be achieved without creating a certain number of seats specially allotted to women. They also feel it is essential that women members should not be drawn disproportionately from one community. They have been

unable to find any system which would avoid this risk, and would be consistent with the rest of the scheme for representation which they have found it necessary to adopt, except that of limiting the electorate for each special women's seat to voters from one community, subject to the exception explained in para. 24 below. Special women's seats have accordingly been specifically divided, as explained in para. 24 below, between the various communities. The precise electoral machinery to be employed in these special constituencies is still under consideration.

(14) Seats allotted to "Labour" will be filled from non-communal constituencies. Electoral arrangements have still to be determined, but it is likely that, in most Provinces Labour constituencies will be partly Trade Union and partly special constituencies, as recommended by the Franchise committee.

(15) Special seats allotted to Commerce and Industry, Mining and Planting will be filled by election through Chamber of Commerce and various Associations. Details of the electoral arrangements for these seats must await further investigation.

(16) Special seats allotted to Landholders will be filled by election by special Landholders constituencies.

(17) The method to be employed for election to University seats is still under consideration.

(18) His Majesty's Government have found it impossible, in determining these questions of representation in provincial legislatures, to avoid entering into considerable detail. There remains nevertheless the determination of the constituencies. They intend that this task should be undertaken in India as early as possible.

It is possible, in some instances, that delimitation of constituencies might be materially improved by a slight variation from the number of seats now given. His Majesty's Government reserve the right to make such slight variation for

such purpose, provided they will not materially affect the essential balance between the communities. No such variations will, however, be made in the case of Bengal and the Punjab.

(19) The question of the composition of second Chambers in the provinces has so far received comparatively little attention in the constitutional discussions and requires further consideration before a decision is reached which provinces shall have a Second Chamber or a scheme is drawn up for their composition.

His Majesty's Government consider that the composition of the Upper House in a Province should be such as not to disturb, in any essential, the balance between the communities resulting from the composition of the Lower House.

(20) His Majesty's Government do not propose at present to enter into the question of size and composition of the Legislature at the centre, since this involves, among other questions, that of representation of Indian States, which still needs further discussion. They will, of course, when considering the composition, pay full regard to the claims of all communities for adequate representation therein.

(21) His Majesty's Government have already accepted the recommendation that Sind should be constituted a separate Province, if satisfactory means of financing it can be found. As these financial problems involved still have to be reviewed in connection with other problems of federal finance, His Majesty's Government have thought it preferable to include, at this stage, figures for a legislature for the existing Provinces of Bombay, in addition to the scheme for separate legislatures for the Bombay Presidency proper and Sind.

(22) The figures given for Bihar and Orissa relate to the existing Province. The question of constituting a separate Province of Orissa is still under investigation.

(23) The inclusion, in para 24 below, of figures relating to the legislature for the Central Provinces, including Berar, does not imply that any decision had yet been reached regarding the future constitutional position of Berar.

(24) The allocation of seats in Provincial Legislatures (Lower House only) is given in the tables.

Special Constituencies

As regards seats for Commerce and Industry. Mining and Planting, it is stated that the composition of bodies through which election of these seats will be conducted, though in most cases either predominantly European or predominantly Indian, will not be statutorily fixed. It is accordingly not possible in each province to state with certainty how many Europeans and Indians respectively will be returned.

It is, however expected that, initially, the number will be approximately as follows :

Madras : 4 Europeans and 2 Indians.

Bombay : (including Sind) : 5 Europeans and 3 Indians.

Bengal : 14 Europeans and 5 Indians.

United Provinces : 2 Europeans and 1 Indian.

Punjab : 1 Indian.

Bihar and Orissa : 2 Europeans and 2 Indians.

Central Provinces (including Berar) : 1 European and 1 Indian.

Assam : 8 Europeans and 3 Indians.

Bombay (without Sind) : 4 Europeans and 3 Indians.

Sind : 1 European and 1 Indian.

Allocation of Seats in Provincial Legislative Councils (according to MacDonald's Communal Award)

Provinces	*Gen. Seats*	*Depressed Classes*	*Backward Areas*	*Muslims*	*Indian Christians*	*Anglo-Indians*	*Europeans*	*Commerce and Industry etc.*	*Land-holders*	*Labour*	*University*	*Sikhs*	*Total*
1. Madras	134 (6)	18	1	29 (1)	9 (1)	2	3	6	1	6	1	—	210
2. Bombay (with Sind)	97 (5)	10	1	63 (1)	3	2	4	8	3	8	1	—	200
3. Bombay (without Sind)	109 (5)	10	1	30 (1)	3	2	3	7	2	7	1	—	175
4. Bengal	80 (2)	—	—	119 (2)	2	4 (1)	11	19	5	8	2	—	250
5. U.P.	132 (4)	12	—	66 (2)	2	1	2	3	6	3	1	—	228
6. Punjab	43 (1)	—	—	86 (2)	2	1	1	1	5	3	1	32 (1)	175
7. Bihar and Orissa	99 (3)	7	8	42 (1)	2	1	2	4	5	4	1	—	175
8. Assam	44 (1)	4	9	34	1	—	1	11	—	4	—	—	108
9. N.W.F P.	9	—	--	36	—	—	—	—	2	—	—	3	50
10. C P. and Berar	77 (3)	10	1	14	—	1	1	2	3	2	1	—	112
11. Sind	19 (1)	--	—	34 (1)	—	—	2	2	2	1	—	--	60

Note : Figures given in brackets show seats allotted to women.

R.T.C. Minorities Pact and Communal Award
(A Comparative Study of Recommendations)

Provinces	Total Seats	Hindus		Muslims	Christians	Anglo-Indians	Europeans	Tribals	Sikhs	Total	
		Upper Castes	Depressed Classes							Hindus	Others
1. Assam	100	38	13	35	3	1	10	—	—	51	49
	(108)	(44)	(4)	(34)	(1)	—	(7)	(9)	—	(48)	
2. Bengal	200	38	35	102	2	3	20	—	—	73	127
	(250)	(70)	(10)	(119)	(2)	(4)	(11)	—	—	(80)	
3. Bihar and Orissa	100	51	14	25	1	1	5	3	—	65	35
	(175)	(99)	(7)	(42)	(2)	(1)	(2)	(8)	—	(106)	
4. Bombay	200	88	28	66	2	3	13	—	—	116	84
	(200)	(87)	(10)	(63)	(3)	(2)	(4)	—	—	(97)	
5. Madras	200	102	40	30	14	4	8	2	—	142	58
	(215)	(134)	(18)	(20)	(9)	(2)	(3)	(1)	—	(152)	
6. Punjab	100	14	10	51	1.5	1.5	2	—	20	24	76
	(175)	—	—	(86)	(2)	(1)	(1)	—	(32)	(43)	
7. U.P.	100	44	20	33	1	2	3	—	—	64	36
	(228)	(132)	(12)	(66)	(2)	(1)	(2)	(2)	—	(144)	
8. C P. and Berar	100	58	20	15	1	2	2	2	—	78	22
	(112)	(77)	(10)	(15)	(1)	(1)	(1)	(2)	—	(87)	

Note : Figures given in brackets are according to His Majesty's Government's recommendations that were embodied in the Communal Award with modifications Other figures are according to Minorities Pact of the Round Table Conference.

Source : B. P. Sitaramayya : *The History of the Indian National Congress*, Vol. I, p. 665.

As regards general seats allocated to Bombay, whether inclusive or exclusive of Sind, it is stated that seven of them will be reserved for Mahrattas.

As regards allocation of seats for Depressed Classes in Bengal this number which will not exceed ten, has not yet been fixed. The number of general seats will be thirty, less the number of special Depressed Classes seats.

As regards Landholders seats in the Punjab, it is stated one of these will be a 'Zamindars' seat. Four Landholders seats will be filled from special constituencies with joint electorates. It is probable from distribution of the electorate that the members returned will be one Hindu, one Sikh, and two Muslims.

As regards allocation of one woman's seat among general seats in Assam, it is stated that this will be filled from a non-communal constituency at Shillong.

Premier's Explanatory Statement

The text of the decision of His Majesty's Government regarding certain communal problems connected with the framing of the new Indian Constitution has now reached India and is being published simultaneously in both the countries.

On its publication, the Prime Minister has issued the following statements :

"Not only as the Prime Minister, but as a friend of India who has for the last two years taken a special interest in the question of minorities I feel that I ought to add a word or two of explanation to the extremely important decision on communal representation that the Government are announcing today.

We never wished to intervene in the communal controversies of India We made that abundantly clear during both the sessions of the R.T.C. when we strove hard to get Indians to settle this matter between themselves. We have realised

from the very first that any decision that we may make is likely, to begin with at any rate, to be criticised by every community purely from the point of view of its own complete demands will but we believe that in the end consideration of Indian needs will prevail and all communities will see that their duty is to co-operate in working the new constitution which is to give India a new place in the British Commonwealth of Nations.

Our duty was plain. As the failure of the communities to agree amongst themselves has placed an almost insurmountable obstacle in the way of any constitutional development, it was incumbent upon Government to take action in accordance, therefore, with the pledge that I gave on behalf of the Government at the Round Table Conference in response to repeated appeals from representative Indians and in accordance with the statement in British Parliament and approved by it. Government are to-day publishing a scheme of representation in Provincial Assemblies that they intend in due course to lay before Parliament unless in the meanwhile the communities themselves agree upon a better plan.

We should be only too glad if, at any stage before the proposed Bill becomes law, the communities can reach an agreement amongst themselves. But guided by the past experience, Government are convinced that no further negotiations will be of any advantage, and they can be no party to them. They will, however, be ready and willing to substitute, for their scheme any scheme whether in respect of any one or more of Government Provinces or in respect of the whole of British India is generally agreed and accepted by all the parties affected.

In order to appreciate the Government's decision, it is necessary to remember the actual conditions in which it is being given. For many years past separate electorates, namely the grouping of particular categories of voters in territorial constituencies by themselves has been regarded by minority communities as an essential protection for their rights. In each

of the recent stages of constitutional development, separate electorates have consequentially found a place however much Government may have preferred a uniform system of joint electorates, they found it impossible to abolish the safeguards to which minorities still attach vital importance. It would serve no purpose to examine the causes which in the past have led to this state of affairs. I am rather thinking of the future. I want to see the greater and the smaller communities working together in peace and amity so that there will be no further need for a special form of protection. In the meantime, however, Government have to face facts as they are, and must maintain this exceptional form of representation.

There are two features of the decision to which I must allude. One has to do with the Depressed Classes and the other with the representation of women. Government would be quite unable to justify a scheme which omitted to provide what is really requisite for either.

Our main object in the case of the Depressed Classes has been while securing to them the spokesmen of their own choice in the legislatures of the province where they are found in large numbers, at the same time to avoid electoral arrangements which would prepetuate their segregation. Consequently, Depressed Class voter in general Hindu constituencies and an elected member in such a constituency will be influenced by his responsibility to this section of the electorate, but for the next 20 years there will also be a number of special seats filled from special Depressed Classes electorates in the areas where these voters chiefly prevail. The anomaly of giving to the members of the Depressed Classes two votes is abundantly justified by the urgent need of securing that their claims should be effectively expressed and the prospects of improving their actual condition promoted.

As regards women voters, it has been widely recognised in recent years that the women's movement in India holds one of the keys of progress. It is not too much to say that India cannot reach the position to which it aspires in the world

until its women play their due part as educated and influential citizens. There are undoubtedly serious objections to extending to the representation of women the communal method. but if seats are to be reserved for women as such and woman members are to be fairly distributed among the communities, there is, in the existing circumstances, no alternative.

With this explanation, I commend the scheme to Indian Communities as a fair and honest attempt to hold the balance between the conflicting claims in relation to the existing position in India. Let them take it though it may not for the moment satisfy the full claims of any of them as a workable plan for dealing with the question of representation in the next period of India's constitutional development. Let them remember, when examining the scheme, that they themselves failed when pressed again and again to produce to us some plan which would give general satisfaction.

In the end, only Indians themselves can settle this question. The most that Government can hope for is that their decision will remove an obstacle from the path of constitutional advance and will thus enable Indians to concentrate their attention upon solving the many issues that still remain to be decided in the field of constitutional advance. Let leaders of all Indian Communities show, at this critical moment in India's constitutional development, their appreciation of fact that communal co-operation is a condition of progress and that is their special duty to put upon themselves the responsibility of making the new constitution work."

Supplementary Communal Award, 1932*

Then there was the question of the representation of communities in the Centre, particularly of the Muslim com-

* The Communal Award of His Majesty's Government did not give any decision regarding the Muslim claim for 33-1/3 per cent representation in the Central Government. The decision of His Majesty's Government on this claim was announced by the Secretary of State for India on 24th December 1932 in the course of his statement to the Third Round Table Conference.

munity. There, I think, I can say, definitely—I think I have said it indirectly very often before—that the Government consider that the Muslim community should have a representation—33-1/3 per cent in the Federal Centre. As far as Indian India is concerned that must be a matter for arrangement between the communities affected and the princes, but, so far as the British Government has any part in the question we will, at any time, give our good offices to making it as easy as possible for the arrangement between those parties with regard to the future allocation of seats.

NOW OR NEVER

3, Humberstone Road,
Cambridge,
England.
28th January, 1933.

Dear Sir or Madam,

I am enclosing herewith an appeal on behalf of the thirty million Muslims of PAKISTAN, who live in the five Northern Units of India—Punjab, North-West Frontier (Afghan) Province, Kashmir, Sind, and Baluchistan. It embodies their demand for the recognition of their national status, as distinct from the other inhabitants of India, by the grant to Pakistan of a separate Federal Constitution on religious, social and historical grounds.

I shall be pleased if you will kindly acquaint me with your valuable opinion on the proposed solution of the great Hindu-Muslim problem. I trust that, vitally interested as you are in a just and permanent solution of that complex problem, the objects outlined in the appeal will meet with your fullest approval and active support.

Yours truly,
Rahmat Ali (Choudhary).

Are we to live or perish for ever ?

At this solemn hour in the history of India, when British and Indian delegates are laying the foundations of a Federal Constitution for that Sub-continent, we address this appeal to you, in the name of our common heritage, and on behalf of our thirty million Muslim brethern who live in PAKISTAN by which we mean the five Northern units of India, viz : Punjab, North-West Frontier Province (Afghan Province), Kashmir, Sind, and Baluchistan. And we ask for your sympathy and support in our grim and fateful struggle against political crucifixion and national annihilation

Our brave but voiceless nation is being sacrificed on the altar of Hindu Nationalism not ony by the non-Muslims, but also, to their lasting shame, by our own so-called leaders with a reckless disregard of our protests and in utter contempt of the warnings of history.

The Muslim Delegates at the Round Table Conference have committed an inexcusable blunder and an incredible betrayal. They have agreed, in the name of Hindu Nationalism, to the prepetual subjection of the ill-started Muslim Millat in India. They have accepted, without any protest or demur and without any reservation or qualification, a constitution based on the principle of an All-India Federation. This acceptance amounts to nothing less than signing the death-warrant of Islam and of Muslims in India.

To justify their action they have taken shelter behind the so called Mandate from the Millat. But they forgot that suicidal Mandate was framed and formulated by their own hands. It was not the Mandate of the Muslims of India Nations never gave Mandates to their representatives to barter away their very souls; and men of conscience never accept such self-annihilating Mandates, even if given much less execute them. At such a time and in a crisis of this magnitude the foremost duty of saving statesmanship is to give a fair, firm, and fearless lead—a lead which has persistently been denied to our eighty million co religionists

in India by our leaders during the last seventy-five years. In fact, for us, these have been the years of false issues, of lost opportunities, and of utter blindness to the most essential and urgent needs of the Muslim interests. This because the leaders' policy has throughout been defeatist in spirit, nevertheless in action, and subservient in attitude. They have all along been paralysed with dishonesty, fear and doubt, and have, time and again, sacrificed their own political principles and our national patrimony for the sake of sheer opportunism and sordid careerism. To do so even at this fateful juncture is a policy of betrayal. It will be fatal for us not to look this tragic truth in the face; for the tighter we shut our eyes, the harder that truth will hit us.

At this critical moment, when this tragedy is being enacted, we earnestly appeal to you for your practical sympathy and active support for the demand of a separate Muslim Federation—a demand which is a matter of life and death for all Muslims of India, and which is outlined and explained below.

India, constituted as it is at the present moment, is not the name of one single country; nor the home of one single nation. It is, in fact, the designation of a State created by the British for the first time in history. It includes peoples who have never previously formed part of the Indian nation at any period of its history, but who have, on the contrary, from the dawn of history till the advent of the British, possessed and retained distinct nationalities of their own.

One of such peoples is our own nation

In the five Northern Provinces of India, out of a total population of about forty millions, we, the Muslims, constitute about thirty millions. Our religion and culture, our history and tradition, our social code and economic system, our laws of inheritance, succession and marriage are fundamentally different from those of most peoples living in the rest of India. The ideals which move our people to make the highest sacrifices are essentially different from those which inspire

the Hindus to do the same. These differences are not confined to broad, basic principles. Far from it, they extend to the minutest details of our lives. We do not inter-dine; we do not inter-marry. Our national customs and calendars, even our diet and dress are different.

It is preposterous to compare, as some superficial abservers do, the differences between Muslims and Hindus with those between Catholics and Protestants. While both the Catholics and the Protestants are part and parcel of one religious system Christianity, the Muslims and the Hindus are the followers of two essentially different religious systems. Moreover, religion in the case of Muslims and Hindus is not a matter of private opinion as it may be in the case of Christians; but on the contrary it is a Civic Church, which lays down a most comprehensive code of conduct to be observed by its adherents from birth to death.

If we, the Muslims of Pakistan, with our distinct marks of nationality, are deluded into the proposed Indian Federation by friends or foes, we are reduced to a minority of one in ten. This reduction sounds the death-knell of our nation in Pakistan. To help you to realise the full magnitude of this impending catastrophe, let us remind you that we thirty millions constitute about one-tenth of the whole Muslim world. The total area of our five units, comprising Pakistan, is four times that of Italy, three times that of Germany and twice that of France; and their population seven times that of the Commonwealth of Australia, four times that of the Dominion of Canada, twice that of Spain, and equal to France and Italy considered individually.

These are facts—hard facts and historic realities which we challenge anybody to contradict. It is on the basis of such facts and realities that we assert without fear of contradiction that we, the Muslims of Pakistan, do possess a distinct nationality from that of the Hindus of India, who constitute the Hindu nation and live—and have every right to live—in most of India; and that we deserve—and demand—

the recognition of our national status by the grant to Pakistan of a Federal Constitution, separate from that of the rest of India.

In addressing this appeal to you and all other Muslims of India, we are addressing it also to the two other major parties —British and Hindu—involved in the settlement of India's future. They must understand that, in this settlement, our body and soul are at stake. Our very being and well-being depend upon it. Not only ours, but also those of every other people in India. Therefore, to be acceptable to all, the settlement must be fair to all. They can make it so, if they will.

This is especially true when, to the selfish settlement proposed by them, there is a just and reasonable alternative, which would lay the foundations of a peaceful future for the whole Subcontinent; and which would allow the highest development of all, including each of the two peoples—the Hindu and the Muslim—without either being subject to the other. This alternative is a separate Muslim Federation of at least our five predominantly Muslim units—Punjab, North-West Frontier Province (Afghan Province), Kashmir, Sind and Baluchistan This Muslim Federation of North-West India would provide the bulwark of a buffer state against invasion of India either of ideas or of arms from any quarter. And the creation of such a Federation would not materially disturb the ratio or the rights of the Muslim and Hindu populations in the rest of India. It is, therefore, clearly in the interest of British and Hindu statesmanship to concede our demand for this Federation, and to have as an ally our free, powerful and contented Muslim nation, possessing a constitution similar to, but separate from, that which is being enacted for India. For, nothing but a separate Federation of our homelands will satisfy our people.

This demand is basically different from the suggestion put forward by Doctor Sir Muhammad Iqbal in his Presidential address to the All-India Muslim League in 1930. While the

proposed the amalgamation of four out of the five above-named provinces into a single state forming a unit of the All-India Federation, we propose that all those five Provinces should have a separate Federation of their own outside India. We are convinced there can be no peace and progress in India if we, the Muslims are duped into a Hindu dominated federation in which we cannot be the masters of our own destiny and captains of our own souls.

Let us refer here to the safeguards. Do the safeguards proposed at the Conference give us any scope to work out our salvation along our own lines? Not a bit. Safeguard is the magic word which holds our leaders spellbound, and has dulled their consciences. In the ecstasy of their hallucinations they think that the pills of safeguards can cure nation-annihilating earthquakes. The safeguards asked for by them and agreed to by the makers of the Constitution can never be a substitute for the loss of our separate nationality. Indeed, to believe otherwise is suicidal insanity. For, what safeguards can be devised to prevent our minority of one in ten in an All-India Federation from being sacrificed on every vital issue to the aims and interests of the majority race, which differs from us in every essential of individual and corporate life. What safeguards can prevent the catastrophe of our Muslim nation smarting and suffering eternally at the frustration of its every social and religious ideal? What safeguards can compensate our nation awakened to its national consciousness for the destruction of its distinct national status? None. Because, however effective and extensive the safeguards may be, the vital organs and essential departments of our national life, such as defence forces and foreign relations, trade and commerce, communications, posts and telegraphs, finance, taxation and customs, will not be under our control, but will be in the hands of a Federal Government, which is bound to be overwhelmingly Hindu, With all this, can we, Muslims, achieve any of our ideals, if those ideals conflict—as conflict they must —with the ideals of the Hindus?

In this respect, the history of the last century is full of

clear warnings for us. Even one who runs may read them. To mention just one. Despite all the safeguards and guarantees we have had in the past, the very name of our national language—Urdu—even now the lingua franca of the Indian Sub-continent, has been wiped out of the list of Indian languages. We have only to open the latest census report to verify it. This by itself is a tragic fall. But even that is a trifle in comparison with the tremendous issues involving our whole future as a nation and as a power not only in India, but also in the whole of Asia.

In the face of these incontrovertible facts, we are entitled to ask our delegates for what purpose we are being pressed to sacrifice our nationality and to submit ourselves and our posterity to non Muslim domination. What good is likely to accrue to Islam and Muslims by our going into the Indian Federation? This is a thing which passes our understanding. Are we to be crucified just to save their faces, or to bolster up the preposterous falsehood that India can be a single nation? Is it to achieve compromise at all costs, or is it to support the fatal illusion that Hindu nationalism can work in the interests of Muslims as well as Hindus? The whole business shows a mental muddle of such a nature and on such a scale as has never been known in history. We have suffered in the past without a murmur and faced dangers without demur; but the one thing we would never suffer is our self-strangulation. We would never crucify ourselves upon the cross of Hindu nationalism in order to make a Hindu-holiday.

May we ask also all those people—Muslim, British, and Hindu—who are supporting the Federal Constitution, if it is really desirable to make us sacrifice our nationhood in order to make India one nation? Does humanity really stand to gain by this stupendous sacrifice? We dare to say that in our nation the ancient fire of Islam still glows and promises much for the future of mankind, if only they would let it live. Can they not realize that, while in Europe, excluding Russia, in about the same area as that of India and with about the same population, there live and prosper no fewer than twenty-six

nations, with one and the same religion, civilisation and economic system, surely it is not only possible but highly desirable for two fundamentally different and distinct nations, i. e, Muslim and Hindu, to live as friendly neighbours in the Indian Sub-continent. It is a pity that even our leaders have not the courage to take their stand upon that truth and to insist upon its application to India and thereby secure the minimum for our national salvation.

In any case, we are now face to face with a first-rate crisis, the like of which has not been seen even in the long and eventful history of Islam. It is not the question of a sect or of a community going down; it is the crisis of the whole future of our eighty million Muslims, who, till only yesterday, were the custodians of the glory of Islam in India and the defenders of the frontiers of India.

Such is the nature of this crisis. Dangerous as it is, there is no need to despair. We can survive it, and have a still greater future, if only we all answer this appeal like Muslims, oppose the Indian Federation, and support the Pakistan Federation and do that at once.

Let us make no mistake about it. The issue is now or never. Either we live or perish for ever. The future is ours, if we live up to our faith. It does not lie in the lap of the gods : it rests in our own hands. We alone can make or mar it. The history of the last century is full of open warnings to us, and they are as plain as were ever given to any nation. Shall it be said of us that we ignored all those warnings, betrayed our ancient nationhood into the Indian Federation, and let our Islamic heritage perish throughout the Sub-continent of India?

Rahmat Ali
(Choudhary)
Mohd. Aslam Khan
(Khattak)
Sheikh Mohd. Sadiq
(Sahibzada)
Inayat Ullah Khan
(of Charsaddah)

THE PIRPUR REPORT*

Part I

GENERAL SURVEY

The Communal Problem

The communal problem in India has long defied settlement. It has been approached by the responsible leaders of various communities and political parties from different angles, but each attempt to arrive at a final and satisfactory settlement has generally resulted in increased bitterness, because, during the pendency of negotiations, it is usually the first and foremost endeavour of each party to put the other in the wrong and throw upon it the whole blame for the failure of the peace parleys. The problem is so baffling that there is a tendency on the part of some of the leaders to adopt the ostrich-like policy of ignoring the problem altogether, or at least of deferring its solution till such time as India is "free". In our humble opinion, however, the problem is a real one and the sooner it is solved the better will it be for the country. To postpone its decision is simply to create a vicious circle :

* At its Delhi meet in March, 1938, the All India Muslim League Council passed a resolution to set up an Enquiry Committee to enquire into the grievances of the Muslims in the provinces under Congress governments. In pursuance of this resolution, a committee was set up with Raja Syed Mohammed Mehdi of Pirpur as Chairman and A. Habibullah as its Secretary. It included members as Syed Ashraf Ahmed, Syed Hasan Riaz, Syed Taqi Hadi Naqvi, and Syed Zakir Ali. It submitted a report on 15 November, 1938 to the President of the Muslim League (M.A. Jinntah) that was subsequently published by Nawabzada Liaqat Ali Khan. I have not included here Part III of this Report having grievances of the Muslims living in the Congress-ruled Provinces (Madras, Bombay, Central Provinces and Berar, Bihar, Orissa and the United Provinces) based on sordid and frivolous narrations.

the communal problem can only be solved when India is free : India can only be free when the communal problem is solved. Such a circle can lead us nowhere and will only make the country a prey to any foreign exploiter.

Recently the minorities have been asked to think in terms of international politics and appeals have been made to present a united front to protect India against the perils involved in the international situation. It has been deemed sufficient to assure the minorities in repeated resolutions, which have now assumed a monotonous formality, that their "language, culture and religion" will be protected and the minorities are expected to accept these assurances without any further safeguards. In our opinion this is a wholly incorrect approach of (sic.) the problem. The communal problem remains unsettled not because of the communalism of the minorities, but because of the communalism of the majorities. In each province it is for the majority community to win the confidence of the minority, and this can only be done by deeds and not by words.

No one who is familiar with Indian affairs would deny the fact that the Congress has failed to inspire confidence in the minorities and has failed to carry them with it in spite of its oft-repeated resolution guaranteeing religious and cultural liberty to the various communities because its actions are not in conformity with its words. Consequently, though it has succeeded in bringing to its fold a few Muslims, Sikhs and Christians, the Congress continues to be a predominantly Hindu organisation and the majority of its members, in spite of their pretensions to nationalism, are still imbued with narrow communalism.

Intoxicated with power after their success in the last general election, the leaders of the Congress initiated a closed-door policy by declaring that they were opposed to the formation of coalitions or alliances with any other party in the legislatures. The fact that separation and exclusiveness is (sic.) not conducive to the evolution of a common national

life was conveniently lost sight of in the hour of triumph.

We in India have been brought up in the traditions of the British parliamentary democracy and the constitution foisted on us is also modelled, more or less, on the British pattern. There is, however, an essential difference between the body politic of this country and that of Britain. The majority and minority parties in Britain are interchangeable : their complexion and strength go on changing with the conditions of the country. Today a National Government is in power, but the Conservative, Liberal and Labour parties have an equal chance of running the government of the country. Here, in India we have a permanent Hindu majority and the other communities are condemned to the position of perpetual minority. Thus it is easy for the majority to assume a non-communal label and do things communal under the cloak of nationalism.

Any attempt to apply the Western principles of nationalism without paying due regard to the peculiar conditions of the country is bound to confuse the issue. For the evolution of healthy nationalism, advancement of the country on the path of freedom, it is absolutely necessary that this problem, at once so important and so full of difficulties should be dispassionately examined and clearly stated.

The Indian National Congress' conception of nationalism is based on the establishment of a national state of the majority community in which other nationalities and communities have only secondary rights. The Muslims think that no tyranny can be (as) great as the tyranny of the majority and they believe that only that state can be stable which gives equal rights and equal opportunities to all communities no matter how small. They attach great importance to this principle, which alone can safeguard the rights of the Muslims and other minorities. The Muslims have made it clear more than once that besides the question of religion, culture, language and personal laws, there is another question equally important for their future. They must secure definitely their

political rights and their due share in the national life, government and administration of the country.

Indian Economic Life

Peculiar Characteristics

All serious students of the Indian problem will concede that the communal question of this country is quite different from the minority problems of other countries. Attempts are often made to take examples from foreign countries and to fasten them to Indian conditions, but it is forgotten that there is no other country in the world where the curse of untouchability still prevails. Religious and linguistic differences, to a small extent, certainly do exist in other countries too, but nowhere do we find the caste system so rigid as it is to-day in India.

Varnasharam not only keeps other communities outside the fold of the Hindu community, but it also does not allow certain classes of Hindus themselves to enjoy the same privileges as are enjoyed by the "twice-born" classes. There are certain vocations of life which can only be taken up by the depressed classes or the untouchables. The sanitary work in towns, cities, and villages falls to their lot alone. They alone can dispose of the dead bodies of animals, work as scavengers and sweepers and perform other menial services. Even in the performance of religious and social functions they are not allowed the same rights and facilities as are enjoyed by the "twice-born" communities.

Such being the fate of some of those classes who, though worshipping different gods, rejoice to call themselves Hindus, the position of the Muslims, who differ from the majority community not only in their religious belief, but also cling to a different cultural outlook, can very well be understood and appreciated. This difference in outlook between the various communities not only separates them politically but also divides them economically.

It is true that people of different religions, castes and creeds are found in some trades, but such cases are rare. The Government services are open to all, *but the undeniable fact remains that the caste of an individual determines his vocation* in life. The various trades in the country are more or less monopolised by different castes. If an outsider tries to enter a certain profession, not generally open to his community, he meets with serious obstacles. He is opposed not on pure business principles : prejudices of religion and caste, more often than not, dictate the attitude of his rivals in trade towards him.

Business is thus divided into water-tight compartments. In commercial life careers are not open to talent. All communities have been effected by this system and it may safely be said that the effect of the division of economic life on the basis of caste has been so marked that in the majority of cases the religion, caste and community of a person can be inferred from his profession. Under these conditions it is even possible to damage trade interests of a particular community by enacting legislation on purely medical or sanitary grounds; and policies which, in other countries, would be purely economic are, in India generally, based upon communalism. There have been numerous instances in which discriminatory taxation has been imposed on a certain commodity on apparently economic grounds, though the real motive has been purely communal.

Thus what may appear to a foreigner a purely economic question can be the source of real friction between communities. Religious passions of the ignorant masses can be excited on a question that on the face of it appears quite harmless.

In countries where professions are freely chosen and the commercial community consists of people joined together by common interests this possibility does not exist. But, as we have pointed out above, conditions in India are quite different. In other countries a taxation measure adopted by the legisla-

ture would equally affect all communities which constitute a certain trade or profession and its consequences can be termed national. But in India the majority of people affected by a similar measure will belong to a particular community, caste or religion. Thus even an economic measure, which is national elsewhere, assumes a communal complexion in this country. It is easy for governments and local bodies to justify such discriminatory legislation by Western standards, to term it national and economic and to dismiss the just and reasonable protest of a particular community vitally affected by accusing it of narrow communalism. People who are not familiar with the conditions that subsist in this country can very easily be persuaded to condemn the protest of such a community against whose interests such measures are so cleverly conceived.

Congress leaders have declared in season and out of season that the Congress will always think in terms of the poor, but in the course of our inquiry it has been shown and proved to us that discrimination has been made in the case of Muslim peasants and workers by the Congress and Socialist organisations. Agents of zemindars and capitalists have given communal colour to disputes that were purely economic. And once communal colour was given the poor victims of oppression were deprived of all protection from the very organisations which boast of nationalism.

The details of the incidents and atrocities committed in the village Tilkori, Hazaribagh district, Bihar, have become known to the public through newspaper reports and we need not recapitulate them in detail at this stage. We may, however, point out that only a short time before this incident there was a minor quarrel between a Congress volunteer and a Muslim landowner in the same district. Full inquiry was made into this incident and a huge public meeting was held and the occasion was thought fit for the visit of a Parliamentary Secretary. Strong protests were made and a big demonstration was staged.

The incident at Tilkori took place shortly afterwards. The victims were the poorest inhabitants of the village who graze the cattle of the well-to-do Brahmans and live on small plots of land let out to them in exchange for their services. There was no Muslim League organisation in the neighbourhood. The poor victims of the atrocities had to cover a distance of 40 miles on foot to reach the headquarters of the district from where some Muslim lawyers sent information to the headquarters of the Provincial Muslim League. On receiving the information, the Secretary of the League proceeded to the spot and made inquiries and issued his statement. One cannot help asking why the local Congress organisation maintained complete silence during the eight days that elapsed between the incident and the arrival of the Secretary of the Muslim League and why no inquiry was instituted by the Congress or the Provincial Congress Government.

Then, in the village Seewan, in a sub-division of the Saran district in Behar, the houses of certain Muslims were set on fire. When Mr. Abdul Ghani, M.L.A., arrived at the scene of the incident, some houses were still burning. This village happens to be near the village of Babu Rajendra Prasad, a former President of the Indian National Congress and a member of the Congress Working Committee. It is surprising, however, that no representative of the party, which claims to be a national organisation, came to the rescue of the sufferers and up till now no political organisation, except the Muslim League, seems to have taken any notice of the incident.

Then again, hundreds of workers of Rahli, Saugor district, Central Provinces, were turned out by the *Bidi* manufacturers for no greater fault than voting for the candidate in whom they had confidence. It was a matter of principle and a narrow communal outlook should not have stood in the way of the vindication of the rights of the workers to use their vote freely. But no political or labour organisation, not even the much boasted Civil Liberties Union, came to the rescue of these helpless workers and not a voice of protest was raised

against the tyranny of the Hindu *Bidi* manufacturers. These dismissed workers had to leave their homes and go to the cities of Saugor and Negpur to earn their living.

Yet, in spite of these incidents, propaganda is done in and outside India that the Congress Ministries have restored civil liberty and the poorest peasant has felt the lifting of a great burden. There can be no doubt, at least so far as the Muslims are concerned, that civil liberty, though much advertised, does not exist. The tendency to show discrimination on communal grounds in rendering help and carrying on relief work among the oppressed and the poor is a unique feature of the Congress organisation of this country.

On the other hand we are glad to note that during the Cawnpore labour strike, the District Muslim League there showed no distinction between Hindu and Muslim workers and helped everybody irrespective of his religious beliefs. The Cawnpore League distributed food and other necessaries of life to the Hindu and Muslim workers with equal consideration. Similarly, during the recent floods in the eastern districts of the United Provinces Muslim League volunteers in Bahraich, Gonda, Basti and other places rescued Hindus and Muslims alike, sometimes even at the risk of their own lives.

Political Parties

The growing tendency of political parties to become more and more communal is the chief danger to which democracy is exposed in India In other countries, political parties are formed on such a basis that the majority and minority parties are interchangeable. Those who vote for Socialists to-day, can, if they feel dissatisfied, support the Nationalists or Conservatives to morrow. The strength and following of various political parties vary according to the confidence they inspire among the people and to the extent they are able to fulfil their election pledges. Moreover, the success of a government is reflected in the popularity of its legislative

measures and constant efforts are needed to maintain the majority.

In India, owing to the existence of a permanent religious majority, the complexion of political parties is quite different from those in other democracies. There is always a danger that a party, composed mainly of members of a particular community or followers of a particular religion may pass under the name of a nationalist party. Such a party is exposed to the temptation of raising the communal bogey in order to keep together its dissatisfied elements, who are too insistent on the fulfilment of election pledges, and thus to continue in perpetual majority.

Expectations were raised high by the promises made during the last general elections by the Congress to better the condition of the poor. The Muslims being the poorest community in India were the first to show disaffection towards the Congress because they felt that its economic programme was a mere camouflage to enlist their support at the elections and brought them no substantial relief. In any other country these poor classes could have gone over to the opposition without being dubbed communalists.

Speaking at the Students' Federation meeting at Calcutta Mr. M. A. Jinnah stated that the League's fight was not against the Hindu community but against the Congress High Command. The Muslim League Party was allowed to coalesce with other progressive groups or parties whose ideals were nearly the same. This makes it clear that the aim of the Muslim League was not to wage war against other communities in India but to organise the Muslims and devote its energy to the solution of political and economic problems that face the country as a whole.

In order to work with other communities the programme of the Muslim League has to be such as would make it possible for other communities co operate with it. If the Party adopts an aggressive communal attitude it would be impossible to maintain harmony with other communities. Thus it is to

the advantage of the Muslims to have a truly national and liberal programme so that others may-cooperate with them. On the other hand if the Muslim League chooses a narrow and communal policy, the Muslims will be condemned to perpetual minorities in almost all the provinces of India. They will be deprived of all opportunity of having, at any time, an effective voice in the administration of the country. Even in each of the two major Muslim Provinces—the Punjab and Bengal—it is not possible for the Muslims to have a majority without the co-operation of other communities. Thus it is clear that the Muslim League cannot afford to take up an aggressive communal attitude. But unfortunately responsible Congressmen and a section of the Press have made it their duty to misrepresent the views of the leaders of the Muslim League and its activities.

The attitude of the Congress, however, made it impossible for the League to co-operate with it in spite of the efforts of a number of League leaders to maintain cordial relations. The just and legitimate demands of the Muslims were regarded as an inconvenient feature of political life. Contemptuous offers were made to the leaders of the Muslim League. They were asked to liquidate the Muslim League Parliamentary Board, disband the League parties in the legislatures and to sign unconditionally the Congress pledge. To the patriotic Muslims such a course meant the denial of their right to organise themselves in order to maintain their separate identity and preserve their culture, and a complete surrender to the Party which, on its own admission, was mostly composed of Hindus and which had failed to win the confidence of the Muslim voters in the general election.

The Congress parties adopted the very methods for which they had hitherto condemned the British Government. Rival Muslim organisations were started and spoon-fed by Congress Cabinets and committees. Attempts were made not only to disregard the true representatives of the Muslims, but a virulent campaign of vilification was started against the Muslim League and its leaders with the help of a few Muslims

who signed the Congress pledge. The temptation of office was held out to those who joined the Congress and a few Muslims, who had been returned to the Legislatures on the ticket of the Muslim League Parliamentry Board, were persuaded to sign the Congress pledge and were given places in the Ministries as representatives of the Muslim masses.

It has been alleged that the cry of "Islam in Danger" was raised and the name of God was used by the League to secure votes. But the very party which has so vehemently made all these allegations felt doubts about the efficiency of its political and economic programme and adopted the same methods for which it condemned the Muslim League. As a matter of fact the Muslim Ulema working for the Congress dragged in religion to enlist support for the Congress candidates In the Bijnor bye-election the Congress Muslim workers were dressed in the green Islamic colour, carried the Islamic flag with the Crescent and Star and raised the cry of Allah-o-Akbar at their meetings. The Muslim League on the other hand never depended on the Ulema for its success. It was not the League that raised the cry of "Islam in Danger." It has been put into its mouth by its opponents. Every Muslim believes that Islam can never be in danger.

Again, it has been stated by responsible Congress leaders that because during the bye-elections the Muslim League candidates were standing on communal tickets, the Hindu zemindars, bankers and lawyers, who had so far opposed the Congress, preferred a Congress candidate. We are further told that the action of these people was not due to communalism, but was a reaction to communalism. This statement is falsified by the recent event at Fyzabad. In the bye-election for the Fyzabad General Constituency, though the Muslim League adopted a policy of indifference, certain Muslim zemindars and others were found supporting the Mahasabha candidate who possessed a much wider appeal. On the Congress platform too, side by side with Congress leaders of repute, were seen persons who were noted for their narrow communalism. One of these speakers had only been recently

convicted for spreading communal hatred and had been released on bail pending appeal. We wonder if the average voter was given the fullest opportunity to distinguish between the Mahasabha candidate, standing on a purely communal ticket, and the Congress candidate, who stood on a "non-communal" ticket.

In Bihar instances were brought to our notice of speeches tending to provoke communal feelings being made even at meetings attended by Parliamentary Secretaries and responsible Congressmen. Similarly, in the Central Provinces cases have been reported which go to substantiate the theory that there is something like identity of purpose between the Congress and the Hindu Mahasabha. A person can be a member of the Congress and the Mahasabha at the same time, but this privilege is not extended to the Institution that represents the interests of a minority. When K. S. Abdur Rahman pointed out an occasion when even Congress Ministers participated in the reception of the President of the Mahasabha and drew attention to the enthusiasm shown by Congressmen all over the Province at his receptions, Dr. Khare replied that he was present at one of the meetings and that Congressmen had gone there in their individual capacity. Technically, Dr. Khare was right, but one has to consider the impression that his conduct created in the mind of the man in the street, who must have read in it a complete identification between the so-called communal organisation of the Mahasabha, and the oft-proclaimed "national" institution of the Congress.

Popular imagination looks more to things that happen and gives them its own meaning and interpretation. Whatever may be the underlying principle of Congress nationalism and whatever may be the justification for the foregoing incidents, the fact remains that the average Hindu is inclined to associate Swaraj with Ram Raj and Congress Government with Hindu government. The Muslims feel that, notwithstanding the non-communal professions of the Congress and the desire of a few Congressmen to follow a truly national policy, a vast majority of the Congress members are Hindus who look for-

ward, after many centuries of British and Muslim rule, to the re-establishment of purely Hindu Raj.

Muslim Mass Contact Movement

Its Repercussions

The last Provincial election brought home to the Congress High Command the fact that the prestige of the Congress as a national organisation was in danger. The decision of the Congress not to contest elections in Muslim constituencies generally and the overwhelming defeats of its Muslim candidates in the very few elections that it contested completely exposed the hollowness of its pretensions to represent the Muslim masses.

The significance of the Congress defeats becomes more pronounced in view of the fact that the Congress possessed an unparalleled and a most powerful organisation in the country and that no Muslim party was in a position effectively to offer any strong opposition to it. The statement of Pandit Jawaharlal Nehru on the defeats of the Congress candidates in the general election clearly shows that the Congress leadership was greatly alarmed at the opposition. But unfortunately, instead of trying to find out the real cause of this antipathy, the Congress High Command launched the Muslim Mass Contact Movement.

There are many Muslims who firmly believe that the Congress by this movement is trying to destroy Muslim solidarity and create disruption in the community. A number of Muslim workers have been employed to fight their co-religionists by a political party which is predominantly Hindu. Concerted efforts are being made not only to induce Muslims to join the Congress, but also to bring into disrepute the Muslim League.

It has been claimed that the Mass Contact Movement has been in existence for many years and only took a more definite shape at the Lucknow Congress of 1937. It has also been

claimed that the movement had never been designed in terms of Muslims only, nor was it merely confined to them.

To understand this movement properly, the methods employed by its promoters must be taken into consideration as well as its effect on the minority community.

Whatever be the idea behind this movement, it remains an undisputed fact that after the general election Mass Contact was carried on amongst the Muslim masses alone. We have not heard of the religious heads of other minorities working on behalf of the Congress to bring their co-religionists into its fold.

It has been asserted that only such Ulema as had associated with the Congress and were its old friends were asked to support the Congress candidates in the bye-elections. Besides, the candidates particularly asked for the support of such men. We think that the argument put forward by an eminent leader of the Congress fully brings to light one fact. We all know that though Pandit Jawaharlal Nehru, in the bye-election speeches, emphasised economic problems, the candidates themselves were not confident of the efficacy of this programme of the Congress in enlisting the support of the Muslim electors

The activities of these Congress Ulema are not confined to those enumerated by the Congress leader. Recently, just after a communal outbreak had occurred in Pilibhit, Seth Damodar Dass, accompanied by two Maulanas, visited the locality and issued a statement throwing the responsibility for the trouble on the Muslim League, which on inquiry proved to be unfounded. This fact throws some light on the use which is made of some of these learned theologians and also why so much importance is given to these old friends. We wonder if the majority of such persons could have a place in any self-respecting organisation. We can now understand the reluctance of the Congress to recognise the Muslim League as the sole representative of the Muslims for this would deprive it of such convenient tools as the Ulema who went to Pilibhit with the Bareilly Congress President.

The Congress secured overwhelming majorities in five provinces and a working majority in the sixth as the result of the first general election held under the new reforms. The attention of the whole of India was focussed on the Congress and its decision on acceptance of office was eagerly awaited. Everyone believed that a new era would set in with the acceptance of office by the Congress. It was generally taken for granted by progressive Muslims that the gulf that had existed so long between the various communities in India would be bridged once for all, that the differences, for which an alien government had been held responsible so far, would disappear and that all progressive national elements, whose political ideals were similar, would be brought together for the service of the Motherland, and would work a common programme for the freedom of the country.

It was at this moment that Pandit Jawaharlal Nehru, the then Congress President, launched the Muslim Mass Contact programme in right earnest. It was pointed out to the Muslims that the real fight was for bread and butter and there was no sense in their keeping aloof under the banner of the Muslim League. But, as we have pointed out in an earlier chapter, even economics in India is communal. Urdu newspapers were started to carry on Congress propaganda among the Muslims and every attempt was made to win over the Muslims. A campaign of vilification against Muslim League leaders, specially Mr. Jinnah, formed a part of this movement. An attempt was also made to set up a rival organisation to the All-India Muslim League under the name "Azad" Muslim League. It was further declared that the Congress, in view of its principles of nationalism, could not enter into an alliance with any communal organisation however national may be the latter's policy and programme. Since then, however, we have seen how this declaration has been stretched to make it possible for the Congress to form ministries in the Frontier and Assam as it suited the interests of the majority community.

It was but natural for patriotic Muslims to feel aggrieved

at the attitude taken up by the Congress High Command. The change in the attitude of the Congress leaders, specially those of the United Provinces, was simply a revelation. Though the Mass Contact Movement was on the programme of the Congress, no one heard about it until the general election was over and Congress majorities were assured. Even then the Congress leaders, who made and unmade Cabinets and who appointed and dismissed Ministers, avoided the Muslim masses and employed Maulvis to convert the Muslim masses to the Congress creed. The Maulvis, having no voice in the moulding of the Congress policy and programme, naturally could not promise to solve the real difficulties of the masses, a promise which would have drawn the masses towards the Congress. The Maulvis and others employed for the work adopted the line of least resistance by creating a division among the Muslim masses by carrying on a most unworthy propaganda against the leaders of the Muslim League. Under these circumstances it was but natural for the Muslims to conclude that this movement was directed only to lure the Muslims into the Congress fold and a policy of "divide and rule" was being followed by the Congress to avoid a settlement with the Muslim community on the real issues.

It will not be out of place here to point out that in other countries where political situations are complicated by religious and racial differences, no political party would think of adopting such methods of propaganda as would lead to emphasise the religious differences between various communities. In Great Britain when the question of Irish Home Rule was put in the forefront of the Liberal Party's programme by Gladstone, in spite of a split in the Party itself, no mass contact movement was started to bring the Protestants of Ulster into the fold of the Liberal Party. Discrimination on a communal basis is the last thing to be undertaken by a party which forms the Government.

The Congress Governments should give the right lead to the country. They should attempt to work on the principles of true nationalism and gain the confidence of the minorities

by removing all their suspicions. It was the failure of the Congress in this respect which, together with the correct lead given by the Muslim League and its policy and programme, helped to make the League, in such a short time, such a powerful and representative organisation of the Muslims of India.

Part II

THE CONFLICT AND ITS CAUSES

General Policy of the Congress

With the acceptance of office the Congress found itself in circumstances which were not dissimilar to those which face belligerent nations after an armistice. We all remember how after the Great War different countries faced this problem. The success and stability of each government depended upon the measure of success with which this problem was tackled. Work had to be found for disbanded soldiers and gigantic efforts were needed on the part of the governments to turn the warlike energies of the nations into peaceful pursuits of trade and industry.

When the Congress governments were formed, direct conflict with the British Government ceased. The chief objective, which had so far brought together the different elements within the Congress fold, was lost sight of in the general scramble for power and the ideal for which the people had worked since 1920 was abandoned, at least temporarily. The course of true statesmanship for the Congress Cabinets lay in creating a calm and peaceful atmosphere and class wars and defiance of lawful authority were the last things to be encouraged at the juncture.

Unfortunately, these were the things which were encouraged most. The authority of the police and other government agencies, which were so far responsible for the maintenance of law and order, was defied. People of a particular community were encouraged to believe that the government was now

theirs. Instances of intimidation and defiance of lawful authority increased in number every day.

A section of responsible leaders created the impression that every member of the Congress enjoyed a privileged position and every Congressman became conscious of the fact by virtue of belonging to the party in power he could influence the administrative machinery. Several Muslim speakers drew pointed attention to this state of affairs in their speeches on the adjournment motion in the U.P. Legislative Assembly on the communal disturbances. They stated that great mischief had been done by the Chief Secretary's circular asking the District Officers to consult the local Congress Committees. This had resulted in the demoralisation of the local officials, who could not take up an independent attitude on delicate matters. Congressmen had taken up the position of non-official advisers to local officials and selfish people utilised the situation for their own benefit and for mischiveous ends.

People were encouraged to do what they liked and to say whatever they wanted. Respect for lawful authority was undermined. In the *communique* issued by the Governor of the U P. at the time of the resignation of the Cabinet over the question of release of political prisoners, reference was made to the disturbing nature of the activities of some of these men. It was pointed out that the release of prisoners had been made an occasion for widespread demonstrations of a revolutionary character which had created a great impression on the public mind. We think that if similar situation had occurred in other provinces as well we would have been able to quote many more pieces of evidence from such impartial sources.

The privileged position which the Congress workers enjoy and the way in which partiality is shown to them has been made clear in the remarks of the Judges of the Oudh Chief Court in the Hearsey case in which a Congress worker was one of the parties. Their Lordships felt compelled to point out that the filing of the appeal by the Government with no judicial justification was bound to create the impression that the

fact that the complainant was the President of the local Congress Committee had something to do with it.

The way in which members of the Congress Party have interfered in the day-to-day administration of justice has also been dealt with in several judgments of the Allahabad High Court. In the Contempt of Court case against Dr. Vishwanath Mukerji, a Congress M.L.A. from Gorakhpur, Their Lordships observed ;

"We have reason to believe that a large number of communications have been addressed to courts in this Province during the last month by persons on behalf of parties to cases and others interested in such cases. The two cases which we have just decided are the first of this class and having regard to the attitude adopted by Dr. Mukerji, we felt able to take a lenient view of these offences . . . . [*sic*]. It must be made clear to every one that this Court will not tolerate any attempt to bring pressure upon a judicial officer and particularly upon junior judicial officers who are not in a position to defend themselves. We have taken a lenient view of this case and we trust that such leniency will not be misunderstood."

We have received numerous complaints, supported by evidence, from Muslims that they have been bullied by local Congress organisations and have found it difficult to get even-handed justice. A sort of parallel government is being run by Congressmen. Wherever the police makes inquiries the local Congress organisation also starts its own independent investigations The atmosphere is no longer congenial to the pursuit of ordinary vocations of life with freedom.

In spite of all this prominent Congress leaders lose no opportunity of repeating that one of the first acts of the Congress Cabinets was to restore the civil liberty of the people. We should like to know if this civil liberty is only meant for the members of the majority community.

In the succeeding chapters we discuss the various causes of

conflict between the two major communities in India and how they have been aggravated by the short-sighted policies of Congress Government.

Bande Matram

It was as a result of the intense resentment among the Muslim masses that the All-India Muslim League passed the following resolution on the Bande Matram issue at its Lucknow session :

> "This meeting of the All-India Muslim League strongly condemns the attitude of the Congress in foisting Bande Matram as the national anthem upon the country in callous disregard of the feelings of Muslims and considers this song not merely positively anti-Islamic and idolatrous in its inspiration and ideas, but definitely subversive of the growth of genuine nationalism in India."
>
> "This meeting further calls upon the Muslim members of the various Legislatures and public bodies in the country not to associate themselves in any manner with the highly objectionable song."

The Congress Working Committee issued a lengthy statement on the song in October 1937 and ultimately decided to recommend that certain stanzas, which contained allegorical references, may not be used on the national platform. It is further claimed that the two stanzas recommended as the National Song do not contain a word or phrase that will offend anybody.

By excluding certain lines from the "National Song", the Congress High Command has conceded the League's contention that Bande Matram at least does have certain objectionable passages. They must, however, realise that the Muslims cannot forget the historical background of the song and the sentiments which led to its composition.

Further, in support of the song it is stated that Bande Matram has been associated with Indian nationalism for

more than thirty years and numerous associations of sentiments and sacrifices have gathered round it and that no objection was taken to it, except on political grounds, by the Government. To our mind the defence exposes the narrow and predominantly communal nature of the nationalism prolaimed by the Congress. The fact that the British Government objected to the song on merely political grounds only goes to prove the League's contention that the religious import of the song is directed against the Muslims alone.

We cannot help wondering that if popular songs are not made to order and cannot be successfully imposed, why, since the acceptance of office by the Congress, Bande Matram is being thrust upon the impressionable boys in schools. We may here point out that before the acceptance of office by the Congress, this song was recited at meetings held under the aegis of the Congress and those who attended them were there out of their own free will. As such there was no occasion for objection. But now the position has changed. The Congress now forms the Government in seven provinces of India. Congressmen and their sympathisers have started singing the song at public meetings and other functions where members of different religions have to be present.

Moreover, the various Congress Governments have lifted the ban on the song in Government schools. The reason given was that since the ban was imposed by the Government of the pre-Reform days and was directed against Indian nationalism it had to be lifted. The effect of this order has been, however, quite different. School teachers, keen on winning the favour of the new masters, have taken it upon themselves to make the singing of Bande Matram a permanent feature of the school curriculum To mention only a few examples, the Muslim students of Patna objected to the singing of the song and went on strike. The school management compelled some of the students to leave the school. The Muslim public of Patna had to open a separate school to save the careers of these boys from being totally ruined. Then, in the Central Provinces, the Muslim students have the

same grievance against the Municipal schools. In the Normal School at Wardha the Muslim students are not allowed to touch the food in the school mess, are forced to stand with folded hands when Bande Matram is sung, and made to live entirely on vegetarian diet. All this only shows a callous disregard of the feelings and sentiments of the Muslims by the Congress Governments.

The Tricolour

The Muslims believe that the tricolour of the Congress is purely a party flag and nothing more. Every political party, whether in office or in the opposition, has the right to hoist its flag wherever it likes. While on most of the Municipal and District Board buildings the Congress flag has been hoisted without any opposition from the Muslims, whenever any local body, with Muslim majority, has passed a resolution for the hoisting of the Muslim League flag the members of the majority community, confident of the Congress Government's support, have put obstacle in the way of the resolution being enforced. It has been claimed by them that their objection to the League flag is based on the fact that it is a communal flag We should like to know if the hoisting of the so-called national flag on the unwilling minorities is anything but an expression of the narrow communalism of the majority community.

It is argued on behalf of the Congress that the tricolour contains the Muslim green. But without a change of heart, without a settlement of the points in dispute and without unity of purpose between the two communities the inclusion of the Muslim colour in the Congress flag is meaningless. The flag should represent the true feelings and sentiments of the Muslim community if it is to have any significance at all, but unfortunately it does not.

Since the Congress has come into power the hoisting of the tricolour over public buildings has become another source of friction between the two communities. There have been instances where the flag has been hoisted without the sanction

of the proper authority. We may, however, point out that a national flag cannot be forced upon unwilling people any more than a national anthem. Such attempts would only expose the latent communal nature of the "national" policy of the party, which is overwhelmingly Hindu.

Exclusion of Muslims from Local Bodies and Debt Conciliation Boards

The Muslims have found it almost impossible to get into the local bodies or into the Debt Conciliation Boards in the provinces with [a] joint electorate. In Bihar the Muslims had to boycott the elections to the local bodies so long as their grievances were not redressed. In the C.P. and Berar, where the Muslims form a very small minority, they have been excluded from local bodies. It was pointed out to us that the Muslims were better treated by the Independent Party than they are now by the Congress. Before the advent of the Congress Government there used to be at least one Muslim on each Debt Conciliation Board, but now there are several boards with no Muslim representation. We may further add that an overwhelming majority of the Muslims in this province belong to the class of labourers or small cultivators, who are heavily indebted to the rich money-lenders and as such their cases require special attention. We have dealt with this question fully in part III of this Report.

We may, however, state that even the operation of measures, designed apparently to promote public welfare, irrespective of class or community, is so manipulated as to exclude the minorities, specially the Muslims, from their benefits.

Cow Protection

The question of cow slaughter has been one of the causes of conflict between the Hindus and Muslims of India. With the taking over of the reins of government in the seven provinces by the Congress the question of cow protection

has assumed great importance and propaganda has been carried on with redoubled energy in this connection. There have been numerous instances where Muslims have been intimidated to give up cow sacrifice and the eating of beef. Organised picketing has been done to prevent the sale of cows to Muslims. The dastardly attack on Muslim butchers at the Dadri Fair in the Ballia district, U.P., was only one of the many cases where force has been used. The details of communal outbreaks and their origin are given in a later chapter. Here we are only concerned with the question of cow protection.

While the country was seething with communal troubles people looked to the Haripura Congress to relieve the tension in the country. Unfortunately, however, the speeches of the most eminent Congress leaders on the occasion of the opening of the Cow Exhibition were far from reassuring. Mahatma Gandhi, referring to the importance of cow protection, said :

> "From the historical and economic point of view the cow must be protected. Unfortunately we have not taken cow protection seriously. Due to our carelessness, idleness, and ignorance, good breeds of cows are now vanishing. In the olden days the Rajas earned the title of "Gopalas" meaning cow protectors. At present nothing is done to protect cows and consequently they are proving a burden on the economic life. It was not true that cows were costly to maintain."

The Mahatma further appealed to all to drink more cow's milk, for if the nation is determined to drink cow's milk, then cows could be saved. He urged the people to understand the *real significance* of cow protection.

Sardar Vallabhai Patel, in requesting the Mahatma to open the Exhibition, said that the idea of cow protection had come from the Mahatma himself. Mahatma Gandhi was the pioneer of two things, the *charkha* and cow protection.

We have referred to these two speeches as they produced a profound impression throughout the country and there were

significant reactions to them. The economic plea for cow protection was taken up by Mr. Chitervadis, a Mahasabhaite M.L A. of the C P., in the statement of the aims and objects of his Cow Protection Bill, which imposes heavy restrictions regarding slaughter of animals even for social and religious purposes. This is in keeping with the line taken up by the Congress leaders at Haripura. It is also interesting to remember that the *charkha* has so far been considered as a sure means of bringing independence to India. Now that it has been coupled with cow protection, the ideal of independence has only been brought closer with the religious and communal ideal of the Hindu community. This is not surprising when we remember that Mahatma Gandhi's fundamental motives are religious and he has repeatedly declared that his object in life is to bring religion into politics. Moreover, the Mahatma's religion is based on the fundamental Hindu scripture, the Bhagwat Gita.

It is needless for us to point out that the people have been repeatedly told that Swaraj has set in with the acceptance of office by the Congress. And once the people start believing that they are the real rulers of their country, it is but natural for the members of the majority community to cherish the title of Gopalas, specially when they have been exhorted to do so by their greatest leader.

Unfotunately, this false propaganda has only resulted in increased communal tension throughout the country. The population in villages and towns throughout India is now divided between those who drink cow's milk and those who are unwilling to change their diet. We wonder if the Muslims and other minorities are regarded as part of the nation which has been asked to drink cow's milk. Anyway, licences for cow slaughter have been withheld in several municipalities of the Central Provinces. Such attemps at putting a stop to cow slaughter have generally been made at places where the Muslims are numerically weak or disorganised.

COMMUNAL RIOTS

Cause and Origin

Communal riots have unfortunately become more frequent in the Congress provinces and they have been largely the natural outcome of the disregard for law and order and disrespect for life and property preached by irresponsible Congressmen. It is a lamentable fact that not only have the occasions, when communal tension has resulted in violent outbreaks, increased to an extent hitherto unknown, but fresh causes of friction have arisen as a result of the policy adopted by the Congress Governments.

In giving an account of the nature of disputes between the two communities we cannot do better than describe the various viewpoints that have been put forward by the leaders of the two communities and the discussion in the Legislatures of the United Provinces, Bihar, Central Provinces and Orissa.

In reply to a question the Premier of Bihar said that orders had been issued against the Muslims in sixteen places in connection with Muharram, Bakr-Id and Holi festivals. Some of the speakers, justifying the Government's action, went even so far as to maintain that non-violence was the accepted creed of the Congress Party and that orders under section 144, Cr. P.C., were issued to avoid violence. Thus the creed of non violence, to carry the argument to its logical conclusion, which had been so far employed against the British bureaucracy, was now to be employed to deprive the minority community of its civil rights. The Government defended the promulgation of such orders on the grounds of avoiding a breach of peace. It was further stated that the period of these orders was extended to give the parties a chance to obtain an injunction from civil courts. On the other hand, in Zahidabad (Gorakhpur), where the Muslims had already secured a decree from the Civil Court recognising their right of cow sacrifice, orders under Section 144, Cr. P.C, were issued, according to the U.P. Premier, to avoid a breach of peace.

The Karachi Congress resolution on the fundamental rights of minorities only guarantees them their rights so far as their observance does not lead to breach of peace. Thus it is only natural that this provision should be utilised by the Congress Ministers to deprive the Muslims of their civil rights.

In the United Provinces Legislative Assembly several attempts were made to fix the responsibility for riots on the Muslims. The Minister of Education, Mr. Sampurnanand, is reported to have said that the minority community thought that it could bring the Congress Government to their knees by creating communal disturbances. He, however, admitted that in his own home town, Benares, the riots started with a clash between two parties of Holi processionists in which one Hindu was killed. We fail to understand why with his Benares experience the Minister indulged in such a generalisation This disorderly behaviour of Holi processionists could, by no stretch of imagination, be connected with the activities of the minority community.

Then the Minister of Justice, Dr. K.N. Katju, maintained that irresponsible statements of members of the Muslim League and a campaign of vilification of the Government in the Urdu Press was responsible for the riots and that the minority community, taking advantage of the Government's solicitude for the freedom of the Press and speech, wanted to bully them. The Minister of Justice should have been better informed, at least of the happenings in his own town, Allahabad. The Magistrate, in delivering judgment in one of the riot cases at Allahabad, observed : "It is the Hindus who set the ball rolling."

We cannot believe that a "campaign of lies" in the Urdu Press could have influenced those people against whom the above remark of the Magistrate was made.

The U.P. Premier, Mr. G.B Pant, was of the opinion that the objectionable propaganda of the Muslim League and the determination of the opposition to embarrass the Government was responsible for the riots. It is the duty of the Govern-

ment to maintain law and order and to protect the lives and property of the citizens. In all democratic countries the Opposition criticises the Government and yet no Government has tried to explain away its failure by accusing the Opposition of "embarrassing the Government."

Pandit Jawaharlal Nehru, referring to the riots, is reported to have said : "Why were there riots this year ? It was because the Congress Ministry was in power."

At a meeting of the Unity Board at Allahabad Mr. Badri Prasad, Secretary of the Hindu Mahasabha, stated : "These riots were created by some organisation to lower the growing strength of the Congress."

To our mind all these speeches fail to get at the root of the problem by throwing the blame on the Opposition. We believe that the trouble was due to the preaching of the ideals of a party in the name of nationalism and forcing them on everybody.

The Muslims knew that they were powerless and all that they could do was to adopt a policy of self-preservation based on peaceful relations with the majority community. It was the failure of the Congress Governments which largely depended on the support of the Hindu members to take strong measures against Hindu aggressive elements that resulted in the crop of communal disturbances all over the country.

The Language and Culture

The question of language and culture has assumed great importance recently due to confused thinking among some of the prominent Congress leaders who refuse to acknowledge the very existence of a separate Muslim culture in India. The word "Culture" has a wide significance and covers the entire activity of man—intellectual, aesthetic, spiritual, moral, social, economic and political; for the true seat of culture or its mainspring is the mind of man; and as is the mind, so its manifestations which constitute its culture. This definition itself

should convince those who deny the existence of a separate Muslim culture. This is, however, not a place to enter into a detailed discussion on Muslim culture and we will confine ourselves to the practical problem that faces the country.

We may point out that the Urdu language came into existence as the result of an attempt to take a purely Aryan language and turn it into a common language so that both Hindus and Muslims may understand each other. It is not a purely Muslim language as the modern champions of Hindustani would have us believe, nor is it spoken or understood in Islamic countries. The Muslims who came to India spoke either Persian or Arabic. There was no reason why they should have adopted an entirely new language if it was not for the purpose of having a common language with the inhabitants of the country. Urdu is thus the *lingua franca* of India—the great binder of different peoples.

Urdu was built up by the contributions of both Hindus and Muslims. The former have done as much to make it the common language of the country as the latter. If we find, Khusrau, Ghalib, Mir and Akbar Allahabadi among the Muslim giants of Urdu literature, we have also Pandit Ratan Nath *Sarshar* and Pandit Daya Shanker *Naseem* from amongst the Hindus. Even among the living men there is no one who is more keen on preserving the Urdu language than Sir Tej Bahadur Sapru, a great scholar of Urdu.

It is thus clear that Muslims far from being opposed to the evolution of a common language for the country, were in fact the first to realise its necessity and have done their best to evolve one. Unfortunately, however, the communal tension, which made its first appearance in the country in the beginning of this century, also affected the question of language, and Urdu, which had so far been accepted as the *lingua franca* of the country, was dubbed as the language of the Muslims alone.

We may further point out that the Muslims, having decided to have Urdu as their mother tongue, took to the language in

right earnest and their entire literature, including all branches of knowledge, has been built up in this language. As such they attach great importance to the preservation of Urdu as written in the Persian script and would stoutly resist all attempts to destroy it.

The question of language has drawn the attention of the Congress leaders a great deal and various pronouncements have been made by them. The interpretations given to the term Hindustani by these leaders not only vary a great deal but amply show that there is no unity of thought even among those who direct the policy of the Congress.

Maulana Abul Kalam Azad in his letter to the Congress Premiers declared that so far as the problem of language and script was concerned, a controversy arose in the United Provinces and Bihar as far back as 1902. As a consequence new meanings were attached to words which were previously used for the same language. The term Urdu was said to refer to that form of the Hindustani language which was written in the Persian script and the term Hindi was applied to the same language written in the Deva Nagri script. The Indian National Congress, the Maulana further pointed out, definitely ended the controversy thirteen years ago under the guidance of Mahatma Gandhi. The Congress decided that for the national inter-provincial language the same form of Hindustani should be used as had been in use since the 17th century. Thus there was no place for any doubt so far as the fundamental question of common language was concerned. The Congress Ministries in the various provinces, according to the Maulana, were acting up to the principle laid down by the Congress. He, however, admitted that in certain provinces people could not discriminate between the new connotations of Hindi and Hindustani and whenever they used the word Hindustani only, they unintentionally came nearer the zone of controversy.

Pandit Jawaharlal Nehru, dealing with the same question, stated that the Congress guaranteed the language and culture

of the minorities in India. He wanted to encourage all the great provincial languages of the country and at the same time wanted to make Hindustani, as written both in Deva Nagri and Persian scripts, the national language. Both scripts were to be officially recognised and the choice of their use was to be left to the people. Pandit Jawaharlal also gave an assurance that this policy was being followed by the various Congress Ministries.

Mahatma Gandhi first endorsed the views of the U. P. Minister of Education, Mr. Sampurnanand, that for technical and scientific terms increasing use of the Sanskrit language should be made to supplement Hindustani. He followed it up by an article in the Harijan in which he stated : "So far as the Congress is concerned, Hindustani is its recognised official language designed as an all-India language for inter-provincial contact. It is not to supplant but to supplement provincial languages . . . [sic.]. For the purpose of crystallising Hindustani, Hindi and Urdu may be regarded as feeders. A Congressmen must, therefore, wish well to both and keep in touch with both forms as far as he can. This Hindustani will have many synonyms to supply the varied requirements of a growing nation rich in provincial languages. Hindustani spoken to a Bengali or to Southern audiences will naturally have a large stock of words of Sanskrit origin. The same speech delivered in the Punjab will have a large admixture of words of Arabic and Persian origin. Similar will be the case with audiences composed predominantly of Muslims, who cannot understand many words of Sanskrit origin."

We think that these assurances do not go far and instead of allaying the fears of the Muslims they have only aggravated them. The real issue has been lost sight of. The controversy referred to by Maulana Abul Kalam Azad has resulted in the accumulation of a vast literature in both Hindi and Urdu in which increasing use of Sanskrit and Arabic and Persian words has been made by the writers of Hindi and Urdu respectively. Thus the Maulana's definition has no application to the language as written and spoken today. In fact, Hindustani is

actually a non-existent language. It only exists in the minds of the Congress leaders. The living languages are Urdu and Hindi. The mere fact that book, which is full of Sanskrit words, is published in Persian script does not make it any more intelligible to Muslims than if it were published in Deva Nagri script.

We are surprised at the supporters of Sanskrit advocating the use of a dead language, as no doubt Sanskrit is, for supplying technical and scientific terms to the future common language of the country. Mahatma Gandhi seems to disagree with the definition of Hindustani provided by Maulana Azad, who thinks that the difference between Urdu and Hindi is only that of script and the two are really one. Further, if the question of script was not taken into account both languages would become Hindustani. The Mahatma, on the other hand, points out that Urdu and Hindi should be regarded as feeders for Hindustani, which is to supplement and not to supplant the provincial languages. Moreover, we doubt if his instructions about the use of Sanskrit, Arabic and Persian words according to the varying circumstances would be conducive to the evolution of a lingua franca. We think that such a language, if it is evolved at all, would fail to serve the very purpose for which it is meant. It will fail to bring the various people of India together by the ties of a common language.

Another subject, allied with the question of common language, is the question of classical literature. The speech of the Minister of Education, Bihar, throws ample light on the subject. Opening the proceedings of the Text Book Committee, he declared that the soul of India was awakened once again and was crying for self-expression, self-realisation and self-fulfilment. He added that she would achieve none of these until she found the mould and channel, the medium and setting, the tradition and background in which Kabir, Rahim, Nanak and Tulsidas thought and taught and sang and prayed. We need hardly point out how narrow and onesided a view of Indian cultural background has been taken by the Minister of Education. He forgets the very existence of Khusrau, Ghalib

and Mir and the part played by them in moulding the culture of the country. We are further at a loss to understand how the temporal character of education is to be maintained with the inclusion of prayers. The foregoing remarks of the Minister give us an indication of what the cultural background is going to be and the wide gulf that separates the innocent looking resolutions passed by the Congress and the actual practice enunciated by no less a person than a responsible Minister of Education in a Congress Government.

The contributions of writers and thinkers of all communities should build up the national language and culture of the country. But if an attempt is made to introduce text-books and use officially a language which represents only the ideas, thoughts and sentiments of a particular community, the mere use of the Persian script will not change the communal nature of the language.

Mahatma Gandhi, writing on the tyranny of the English language in the Harijan, said : "The medium of a foreign language through which higher education has been imparted has caused incalculable intellectual and moral injury to the nation. The tyranny of English has been so great that even Sanskrit and Persian have to be learnt through English. I know what time I took to learn arithmetic, geometry, etc. I should have learnt them easily in one year if I had not to learn them through English but Gujrati and my grasp of the subjects would have been easier and clearer. I would have made use of such knowledge in my home. This English medium created an unpassable barrier between me and the members of my family who had not gone to an English school. I was fast becoming a stranger to my own home."

We may point out that Muslim boys and girls will suffer from all these disabilities, which have been so vividly described by Mahatma Gandhi, if the present attempts of Congress Ministers to impart education to them in the vernaculars of the various provinces are continued. An overwhelming majority of Muslims of India speak and read Urdu and that is their

mother tongue. The Muslims of these minority provinces further point out that if their children are forced to receive education through the medium of a vernacular which is not their mother tongue, not only cultural degeneration will set in among them but they will also be placed at a disadvantage in competition with the boys of other communities, who are fortunate enough to receive their education in their own mother tongue.

The Muslims in Orissa and Maharatti-speaking districts of the Central Provinces and Berar look with alarm at the proposal of introducing Oriya and Maharatti as mediums of instruction without including Urdu as one of the media. They point out that a Muslim will have to learn Oriya, Maharatti or any other vernacular, as the case may be, in addition to English and Urdu, his own mother tongue. Complaints were also made to us of the unwillingness of Government and local bodies to open Urdu schools where the number of Muslim boys of school going age justified the existence of such schools. In Malabar of the 73 schools declared uneconomic by the Standing Committee of the District Board and recommended for abolition, 58 are Moplah Muslim Schools. Moreover, most of the special facilities provided to the Moplahs by the previous government to encourage education among them have been withdrawn by the Congress Government. Then districts like Saugor and Mandla in C. P. with a substantial Muslim population have no Urdu school. In Hinganghat Middle School all teaching is done in Maharatti both in primary and upper classes. Applications written in Urdu are rejected by the municipal boards in the Central Provinces and Berar. Then the text books prescribed at present for study deal exclusively with the glories of Hindu divinities and Hindu heroes and saints; and contain no reference to the cultural or social achievements of the Muslims or to any historic names held in veneration by them. The grievance of the Muslims is not that these text books deal with Hindu heroes or Hindu great men, but that they do not speak of the Muslims at all. This is not a way to evolve a single nationality [or] build up a common culture. Then in Bihar, although the use of Urdu

script is allowed, the courts usually insist on presentation of a copy written in the Hindi script. In the Legislative Assembly of C. P. and Berar the speeches of members who speak in Urdu are reported either in Hindi script or only a summary of their speeches is reported in English.

The foregoing are some of the examples of the methods employed to suppress Urdu in provinces where the Congress is in power.

It may not be out of place here to state briefly certain principles which have been applied to the solution of the language problem in Switzerland. Out of a total population of about three millions there are about 7,00,000 French, about 2,00,000 Italians and the rest Germans. There are 22 cantons of which only three are fully French-speaking, three half-French and half German-speaking and one is Italian-speaking and 15 are German-speaking cantons. The Italians do not form more than six per cent. of the total population, yet the Italian-speaking minority has got the same facilities for receiving education, and shares all the advantages with the rest of the population. In Locarno separate arrangements are made for teaching French and German in primary schools. In the canton of Fribourg there are two sets of schools to impart education, one in German and the other in French.

We may further point out the rights the minority enjoyed in Czechoslovakia before the occupation of the Sudetanland by Germany and in spite of that they complained of the lack of an autonomous German section in the Ministry of Education. The complete complaint, which they formulated regarding the inadequate building and subsidy in the German University and the erection of the so-called minority schools, and the closing down of German primary and technical schools between 1931 and 1935, forms an interesting reading.

In the field of education the Sudetan Germans possessed their own university, two technical high schools, and academy of music, 90 secondary schools (55 gymnasia, 22 "Realshuler" and 13 girls' schools), 14 training colleges, 629 commercial and

agricultural schools, 430 higher and 3,363 lower primary schools, and 501 kindergartens.

When a small country like Switzerland can afford to impart education in three languages, surely more than one language can be taught in an Indian province. In Switzerland while arrangements are made to impart education in the mother tongue of the children, the Muslims in India are deprived of this benefit because of the unwillingness of Governments and local bodies to make adequate arrangements. The demands of the Muslims are treated light-heartedly and they are accused of communalism. All this is happening in spite of the constant reiteration of the Karachi minorities resolution by responsible Congress leaders. In view of these facts we are constrained to remark that the Congress High Command is not able to enforce its declared policy in the Congress-governed provinces, at least so far as the welfare of the Muslims is concerned.

THE SHAREEF REPORT*

Part I

INTRODUCTION

A Committee was appointed by the Working Committee of the Provincial Muslim League to collect materials and to submit a report on the Grievances of the Muslims in Bihar during the Congress regime subsequent to the period which was dealt with in an earlier Report known as the "Shareef Report".

* The Shareef Committee was entrusted with the task of looking into the grievances of the Muslims of Bihar. It included S.M. Shareef (president), Imtiaz Kareem, Syed Azizul Haque Fakhruddin, Syed Muhammed Majeed, Maulana Syed Shah Hussein, Maulana Mohiuddin Tamanna, Maulana Syed Ibrar Hussian, Moulvi Syed Zamiruddin Ahmed, Khan Saheb Syed Mazhar Imam, Maulana Abbas Vidyarthi and Khan Bahadur Syed Hasan. It submitted its report to the President, Bihar Provincial Muslim League, in December, 1939. I have not included here Part II of the Report that is based on personal narrations of a very sordid and frivolous nature.

The Annual Provincial Muslim League Conference which was held at Patna on the 1st October, 1939 passed a resolution in pursuance of which it constituted a Publicity Committee on a permanent basis with me as its President and this committee was called upon to prepare a Report on such acts of oppression as occurred after 1938, till the publication of the second volume of the Shareef Report, the period before the middle of 1938 having been covered by the previous Report. This Report is to cover as wide a field as possible, such as confiscation of Muslim League papers, harassment and persecution of Muslim League Workers, cases of abduction of Muslim girls by Hindus if any, cases of bias of Government officials and the Police against Muslims, obstruction to the cultural, economic, religious and social and other rights to Muslims, recruitment to the services [,] etc. In fact, the terms of reference were sufficiently wide to include all the grievances of the Muslims no matter of what kind and in connection with what matter.

Procedure Adopted

The same safeguards and precautions have been taken as in the case of the previous Report in the collection of the materials. As before the various District and Sub-Divisional Officials of the League were given to understand that all materials sent by them must be absolutely correct in every particular and item, that there should be no mis-statement or exaggeration in even the minutest details, that if there was any doubt of any kind relating to any matter, it was better not to submit such information or report, and that before the reports were submitted, the said officers of the League were to sift and test all the materials submitted to this Committee.

It has to be mentioned, as stated in the previous Report, that the Muslims have no complaints against the Hindus as such. It was stated in that Report that the Hindus were being exploited by political parvenus, upstarts, and self-seeking persons, purely for purposes of personal benefit and that the Hindus, otherwise perfectly communally sound, were the

victims of this unwholesome exploitation. Unfortunately it has to be stated now that during the period of 27 months while the Congress Government was in office, the feelings of the Hindu masses have been horribly inflamed. A feeling that 'Ramraj' has come into existence has been engendered; the oppressions, atrocities and the cruelties perpetrated on the Muslims have assumed terrible proportions in the whole of the province, and the Muslims in villages where they are in hopeless minority have lived in fear and have suffered from the tyranny of the Hindus of those and the neighbouring villages. There have also been cases, where Muslims [,] as in one village [,] have on account of their terrible cruelties and oppressions, been compelled to leave their houses and to immigrate to other villages where they are not numerically so small and negligible An attempt is being made by the local Muslim League acting under the advice of the Working Committee of the Provincial Muslim League to induce them to return, on getting assurances from the officials concerned and the Hindus of the locality. There are other instances also where immigration out of fear is either being contemplated or actually carried out. Feelings between the two communities have become completely estranged in the whole province and Hindu exploiters have succeeded in inflaming Hindu passions wholesale in the province. The brotherly feeling which had existed for centuries between these two communities, I am pained to admit, no longer exists. These exploiters have succeeded in embittering the Hindus and Muslims completely. Every wearer of a Gandhi-Cap and a Khadi Dhoti and Kurta considers himself a part of the Government and the elect in this existing Ramraj. The Muslims even in those places where they are in a hopeless minority, have become exasperated to the verge of desperation, for even the weakest will turn when he has no other remedy, and will defend himself.

Demoralization in the Services

This continues apace and has reached gigantic proportions.

These officials whether to gain favour or for fear of victi-

misation, have behaved communally in the very large majority of cases set out in this Report. They have taken lessons from the Government on these matters and have seen the attitude which Ministers and Parliamentary Secretaries have themselves adopted in the matter of these communal frictions. From the perusal of the pages of the last Report it must have been abundantly clear to these local officials, how partisan the Government had been in these communal matters, and the large majority of local officials have seen in the papers the proof of this partiality to one community and prejudice against the other and have very often taken the Government as their guides. A perusal of this Report will show how, over and over again, justice has been denied to the Muslims. How Hindu offenders have been left unprosecuted and untouched, no matter what their offences against Muslims, even if the offence be murder.

Attitude of the Police

From a perusal of this Report it will be noticed time and again how the communal attitude of the local police has become blatant. Hindu offenders have in practically all the cases under Report gone free. No arrests have been made. No legal action has been taken against them, though the offences committed are arson, loot, assault—often grievous and [*sic*] even murder of Muslims, or if by accident or owing to pressure from some very senior police official, often European, action has been taken by chance against the Hindus, the investigation being in the hands of these lower graded police officers, the selection of the witnesses and the evidence which is to be placed before the courts against these offenders being in their hands; they have so fearfully mismanaged the prosecution case that even these few cases have resulted in acquaittals of the Hindus. Such prosecution [*sic.*] of Hindu offenders are merely isolated ones, but rare exceptions. The general rule has been that such offenders are left untouched as will appear from a perusal of this Report. It will be interesting to refer to a statement made by the Ex-Finance Minister of the Congress Government on the unhappy inci-

dents of a village named Konand in the Sub-division of Bihar. Unfortunately the official report of the proceedings is not before me, but the speech as reported in "The Indian Nation" of 23rd August, 1939 is before me and while the accuracy of the report cannot be vouched for, the report is in all likelihood correct The Hon'ble Minister gave a onesided view, has accepted the Hindu version, and has practically ignored the Muslim version or may be, does not believe a version coming from such a source. He says amongst other things that "six Hindus received gun shot wounds and sword cuts. Six Muslims also received minor injuries". It is remarkable, that in this village the only person who died as a result of injuries received in this village was an old Muslim, who died in very unfortunate circumstances. This omission, this forgetfulness of the Ex Minister is not an isolated one; there was almost an equal lapse of memory reported in the previous Shareef Report. This one-sided version of the then Minister, these omissions in regard to important matters, give an incorrect lead to the officials and the lower police officers who may very naturally be misguided by this declaration of the Government's attitude of mind in communal matters. They may see from it the way the wind blows and may consciously or unconsciously shape their own attitude in regard to communal matters It is not surprising that there have been such wholesale miscarriages of justice whenever there have been communal frictions in this province. It will also be seen from the perusal of this report that though the properties of the Muslims have been looted they have been seriously injured and in one case of communal riot although the only case of a fatal injury was that upon an old Muslim who died subsequently, it is the Muslims alone who were prosecuted and after considerable harassment, and protracted trials covering a period of months and after they have been wrecked financially, physically and even mentally, they were acquitted. This happened at a village named Konand in the Sub-division of Bihar. I understand a rule has recently only been issued by Justice James. This matter will be brought out in a greater detail, when the unfortunate oppressions of the Muslims in this village are dealt with later in the Report. The action of the

Police set out above will be further illustrated in the case of other villages such as Pachrukhi Jahanabad, Korvi, Gaya, Bhagalpur (1939) [,] Manjhoul and several others.

I am glad to be able to say that the previous Shareef Report still remains unchallenged and my information is that though this Report has been before the Information Officer of the Bihar Government for two or three months with a view to a reply being given to it, no communique in answer to this has so far been forthcoming. It will be the honest endeavour of the writer of the present Report to only base it upon such materials as are completely authentic and undeniable.

Enquiries by Independent Tribunal Refused by the Bihar Government

Although the Shareef Report has been sufficiently, widely circulated, although it has been before the Information Officer of the Bihar Government for several months, no enquiry into the complaints of the Muslims was suggested or ordered by the Bihar Government during the 27 months that it remained in power. My challenge to the Bihar Government for an independent enquiry into the communal riots at Bhagalpur last year was not accepted. No enquiry was ordered for reasons that must be obvious to all fair-minded persons. Recently during the months of May 1939, terrible things happened at Gaya. Murders of Muslims as many as 16, wholesale lootings, arsons, grievous injuries, demolition and desecration of mosques took place. Although the whole thing indicated a horrible state of affairs, a large number of these occurrences took place in the presence of Police Officers, and the District Magistrate himself saw a great deal of the offences complained of; the whole of these matters was brought to the notice of then Hon'ble Mr. Srikrishna Sinha, the Prime Minister, by the Secretary of the Gaya Muslim League in a written statement of facts and he was asked to order an independent enquiry, and a Press Telegram was also sent to him but no independent inquiry was ordered for very clear reasons. The Government obviously could not risk an open enquiry by

an independent tribunal. Dr. Rajendra Prasad writes to Mr. Jinnah in mid-October that the complaints of the Muslims against the Bihar Government are without foundation and are false. The writer is definitely in a position to say with a full sense of responsibility, and Dr. Rajendra Prasad may deny if he can that at the time of his writing his letter to Mr. Jinnah, he did not even know what these complaints were, for I know as a matter of fact that he had not read till the 9th or 10th of November the Shareef Report which contains a catalogue of charges against the Bihar Government and sets out some of the grievances of the Muslims. This is the state of mind of the President of the Congress, one of the Congress High Command. The Hon'ble Dr. Mahmud the then Minister of the Bihar Government in a speech at Abbotabad in the North-West Frontier said, (which was challenged by Mr. Mazhar Imam, the Asst. Secretary of the Provincial Muslim League in a statement published in the local press) he was not satisfied that there have been any cases of oppression of Muslims by Hindus under the Bihar Government, and that he was a sufficient Muslim to resign from office if he were so satisfied and that such charges were baseless. The writer is in a position to assert and with a full sense of responsibility, that Dr. Mahmud had not seen the Shareef Report upto 10th November, 1939, which gives instances upon instances of such arrocities upon the Muslims. I do not know if he has read it even now. Dr. Mahmud may deny this if he can. It must be noted that this speech of his was made about three months previous to November. Can the Muslims be blamed if they do not trust the *bona fides* of these Congress great men ? Is it surprising that the Muslims of this unhappy province, feel that they have been thrown to the wolves and no justice of any kind can be expected from persons with such an astounding mentality ? These are the men who do not believe and they do not even know what it is that they do not believe. None are so blind as those who will not see, and only those who will snot see cannot see the obvious. It may incidentally [*sic.*] be added that copies of the Shareef Report were sent on the 9th March, 1939 by registered post to Mr. S.C. Bose the then President of the Congress and to Pundit Nehru from whom

however I did not have the courtesy of a reply.

Dr. Rajendra Prasad as noted above asked Mr. Jinnah to send all matters of oppression of Muslims by the various Congress Governments to the Chief Justices [*sic*.] of the Federal Court for an enquiry into these complaints. He had already passed judgment and said the charges were baseless. It would have been the Congress High Command that would settle the terms of reference to the Judge. The Congress High Command will receive his Report and consider the action to be taken on it. Therefore the accused will be the final authority to pass judgment.

Congress Mentality in Focus

A mention of the matters set out below would seem to be perhaps out of place in this Report, but is necessary to bring the mentality of the Congress High Command into focus and it will serve an exposure of the inner working of the Congress mind. The Congress Provincial Governments take their orders from the High Command, shape their actions to suit its attitude and their local officers and the police follow suit, adopting [*sic*.] their actions to the attitude of the Fascist High Command. We Muslims had seen the results of such enquiries. We remember that Mr. Shareef a Muslim and at one time a Congress Minister of the Central Provinces had ordered the release of a Muslim offender and remitted a small portion of his sentence. An enquiry into his conduct was ordered by Congress High Command to be held by an ex judge of the Calcutta High Court, Sir Manmatho Nath Mukarjee. I saw a report of his findings (and am speaking purely from memory) in which he said that M. Shareef had committed "an indiscretion" [,] that he was perfectly justified in remitting the sentence, that it was constitutionally correct for him to have done so, that it was a matter within his department and that he was justified in not consulting his colleagues. This report of Sir Manmatho Nath was pigeon-holed by the Congress High Command which dismissed Mr. Shareef from office. With the memory surcharged with the recollection of such injustice as

this the Muslims could not possibly take such risks and Mr. Jinnah naturally having brought these oppression on Muslims in Congress Governed Provinces to the notice of His Excellency the Viceroy left the matter in his hands.

Let us consider for a moment some other matters by way of contrast to this picture. In the same Central Province, these same Congress Ministers withdrew all the cases against 34 Hindus of murders of Muslims, against all the protests of the Muslims of that Province. There was not a word of condemnation by the same Congress High Command to this gross injustice to so many Muslims which thus tacitly gave its approval. There was this difference in these two cases, in one a Muslim Minister was concerned in the other the Hindu Prime Minister both of the same Province and there was a further difference that in the last case, the Muslims were the sufferers. It may be noted that in the C.P. there are only 124,463 Muslims as against 5,096,431 Hindus. These facts are merely brought to show the partisan attitude of the Congress High Command.

Again let us look at another connected picture. In Bihar a large number of supposed political prisoners have been released from imprisonment, punished as they were for long terms one of these men had been convicted of several brutal murders and another was punished for murdering an old woman and in both cases from motives of personal gain. These cases were as far removed from politics as the Sun is from the Moon. The Congress High Command again condones. Thus [it] tacitly approves of murders. That these were political crimes, can only be on the very violent and preposterous assumption that these loots resulting in murders went to several Congress Party Funds.

These few instances given above have been brought out pointedly for the mere purpose of showing that the various local Government officials and the police see which way the wind is blowing and whether to gain favour or fear of victimisation, consciously or unconsciously, they shape their atti-

tude and tune their course of conduct accordingly, so they have refused against murderers, shut their eyes to grievous assaults, lootings, demolition and desecration of mosques,—list is a heart-rending one-committed before their eyes. Is it surprising that the Muslims except no justice from such a High Command and such Congress Ministers ?

Interference in Communal Matter by Congress Local Officials

One matter which has been extremely conspicuous in all the several communal riots and troubles that have taken place in this province in an epidemic from since the advent of the Congress Government, is the interference by the local Congress officials with the work of the local Government officials and the police. In these matters they have often been in the fore-front and have taken a leading part in these communal troubles, generally fomenting them and almost always interfering with the officials and the police during the course of their investigations before and after, and in a large number of cases have been actual participants in these troubles. We are not aware whether a circular was sent by the Congress Government of Bihar to their local officials to take the assistance of the local Congress officials whenever there was communal trouble within the jurisdiction of the former, as was done by the Congress Government in the United Provinces. But I have before me a cutting from the "Indian Nation" of the 25th of November, 1939 in which the following words occur "We are reminded——————————————————————that as soon as the Congress took office, the High Command had made it known that Congressmen should interest themselves in local grievances, should enquire into them and should strive to bring them to the notice of the Congress ministers. We are also reminded of the fact that a number of Congressmen took these instructions over-seriously and to such an extent that the usual official machinery in a sense stood superseded and local enquiries and reports by Congressmen and direct approach to ministers became the rule". We do not vouch for the

correctness of this, but it seems to be correct and this alone can account for the undue interference by Congress local officials with the investigations of communal case by the local officials and the police.

In this connection it will be relevant to set out a statement of his Lordship, the Chief Justice of the Patna High Court reported in the Patna Weekly Notes of April 17th and 24th, 1939. I am omitting certain portions which are not necessary for this report.

Statement of his Lordship the Chief Justice

'Before we take up the day's work, there is one matter to which I should like to refer.

"A few days ago I received a letter from a gentleman who describes himself as the Secretary of a certain Thana Congress Committee. In that letter he states that a case had been decided by the learned District Judge of his district and that that case is pending before this Court.

"He then says :

"I have come to know the facts after taking statements from about three hundred men of different villages.

"He then sets out the facts as he believes them to be and he has asked me to take action by sending somebody down to the district to verify these facts.

"From the tone of the letter I am perfectly satisfied that this gentleman has written to me in ignorance of the true position. I do not think that he has realised that in addressing me as head of the judiciary of this court, he is doing something which might tend to interfere with the due course of justice. If I was one of the judges hearing this appeal, this letter would undoubtedly tend to influence my mind. Had I thought that this letter was written with the intention of influencing my mind in the decision of the case, I should have unhesitatingly issued a rule calling upon the writer to

show cause why he should not be committed for contempt; but, as I say, I am satisfied that the writer had no such intention.

"I want to make it quite clear that no one in this province has the right to address a judge of this court or any of the lower courts concerning a case which is pending in a particular court. Any communication of that kind is one which must tend to interfere with the course of justice. No judge is entitled to take into consideration any fact except facts which are proved in evidence before him. In this Court Judges hearing appeals can only take into consideration the evidence on the record. This is the first case in my experience which has occurred in this Province, and I trust that after this statement no further communications of this kind will be sent to me or to any judge of this court of to any judge of the lower courts. This court will have to decide this appeal upon the evidence which is on the record, and no communication of this kind can be sent to it. I sincerely trust that everyone will realise that it is a serious offence to write or make any communication to a Judge of this court or of any other court relating to a matter which is before that particular Judge in his judicial capacity.

"No one however should make any communication to me in my judicial capacity concerning a case which is pending in the court. As I have stated, the writer of this letter seems to have thought that he could write to me concerning this case in much the same way as he could write to me concerning some administrative matter.

"In future if any communications of this kind are received in this court, I wish it to be clearly understood that appropriate proceedings will be taken to bring the writer before the court and to punish him if it is found that the communication amounts to a contempt."

If this Congress official and worker, had the courage to write to the highest Judicial officer in the province from whom he received his deserved censure, one can imagine the amount

of interference there may have been in these communal matters by communal-minded Congress officials and workers in the trial of cases in the subordinate courts and the investigations by the lower police officials. There is ample material in this Report to show the communal bias and partiality in matter where Muslims have been oppressed. Gross cases of injustice have been done and justice has been considerably vitiated as a result of interference from those who should have had no concern with these matters.

Statement of Mr. Acharya Kripalani, the Secretary of the All-India Congress Committee

This statement was published in the *Searchlight* of August 15th, 1939. It is referred to in this Report as besides being interesting reading, it is in a somewhat veiled and vague language and though it is necessary at times to read between the lines to get at the real meaning, sets out completely the ideas which move the Congress mind. It says in effect that Mr. Gandhi is trying not so much for a political revolution in this country as "a spiritual revolution", that his whole programme is based upon a distinct ideology, that he seeks to change the values of life and usher in a new epoch in history. It says further that in order to be a good citizen of India and a good Congressman the Gandhian ideology, psychology and his view of religion must be accepted. The whole scheme of life with all its basic principles in India must be moulded in accordance with this Gandhian ideology. Moral realities must be accepted as understood by Mr. Gandhi and the Muslim members of the Congress without this revolutionary change in their mentality would be a worse problem within the Congress organization than they are outside. There is much more of the same enunciation of such principles in the rest of the statement. The result therefore is that unless the aims [*sic.*] of Mr. Gandhi, steeped as it is in the Vedic philosophy, as Mr. Gandhi understands it, is accepted by the Indians, Hindus and Muslims alike, there is according to Mr. Gandhi no hope for India. There has be n an instance

already in India where a picture of Mr. Gandhi has been put up on [a] wall in a school and Muslim boys were asked to worship it. The object seems to be to convert all persons to such ideas, even the Muslims must accept his doctrine of "Ahimsa" (Non-violence) which is against all accepted principles of Islam which permits violence and retaliation in certain circumstances "in an equal measure" to an evil committed against the Muslims, although forgiveness in social and private matters is preferable, in matters of religion however there is no such permission. For the Muslims to accept or in order that the Muslims may accept this doctrine of "Ahimsa" or Mr. Gandhi's doctrine of the loin cloth or his other Vedic ideas, they must change their religion. This the Muslim will do under no circumstances. We Muslims as Muslim cannot subscrible to this principle. Mr. Gandhi's aim seems to be that the Muslims must change these basic and fundamental ideals of their religion which they can only do, on ceasing to be a Muslim which God, forbid, can never be.

Pandit Jawahar Lal in his autobiography says that he has not been able to understand many decisions arrived at by Mr. Gandhi and that he has disagreed with many such decisions, that Mr. Gandhi's decisions are not arrived at on any process of reasoning, they cannot be explained on any rationalistic basis and that at times they even seem to be devoid of logic, that he arrives at such decisions instinctively and intuitively. Thus it is purely a matter of faith The Pandit says further that Mr. Gandhi has a wonderful insight into mob psychology, that he has his hands on the pulse of ignorant and superstitious Hindu masses, that he knows that these Hindu masses are essentially religious, as they understand their religion, that they are extremely credulous, easily taken in by the spectacular and easily begin to venerate something which is out of the ordinary. It is undeniable that Mr. Gandhi has these gifts and has times and again taken advantage of them. This accounts for his consistent attempts to remain in the limelight by his periodical "fasts unto death". Mr. Gandhi began with a pose. He became

a religious reformer, 'a spiritual revolutionary" as Mr. Kripalani says. As a result of this pose, he became a Mahatma, then an Avatar even 'an Incarnation of Vishnu" as a misguided Muslim Minister, Dr. Syed Mahmud of the Bihar Congress Ministry said at the Tripuri Congress sessions as reported in the Press. "Mr. Gandhi is a God whom we worship" [was] said by Mr. Sri Krishna Sinha, ex Prime Minister of Bihar. The tragedy of Mr. Gandhi has been that he began with a pose to catch the eyes of the Hindu superstitious masses and has ended by becoming a victim and a dupe of his own pose. Thus we get the Gandhian ideology, psychology and religious philosophy and it is these things that are being forced on the Muslims.

It is with a view to bring [*sic.*] about this fundamental change in the psychology of the Muslims that the Wardha Scheme has been evolved by Mr. Gandhi.

Wardha Scheme

Mr. Gandhi has prepared the above scheme and Mr. Gandhi is a person who has been naturally gifted with skill to prepare schemes. He has prepared the Wardha Scheme and with this has come the Vidya Mandir Scheme. He is perhaps banking upon the slow and insidious poison of this scheme, with its elimination of religion from education According to this scheme, text-books will be prepared, teachers will be specially trained to teach these text-books and in these text-books reference will naturally be made to Hindu history, to the story of the Mahabharat, the Ramayan, the Bhagwat Gita, the Vedas, to Ram and Krishna, to the Goddess of Learning Saraswati, and may be also to the latest Avatar, "Mahatma Gandhi," but in them there will be little or no reference and if so, only a nominal one, to Allah and His Prophet Mohammad as they form no part of Indian history. Mr. Gandhi as already said above, relying upon the slow poison of this Wardha Scheme, hopes to sap and undermine the very foundations of the Muslim community, and in course of time and ultimately to destroy the very vestiges of Islam in this

country. But Mr. Gandhi seems to be over-reaching himself, he is counting without God, who has before this, frustrated and destroyed "the best-laid schemes of mice and men." Long before this Wardha and Vidya Mandir Schemes bear fruit, much will have happened in India.

The danger of this Scheme is that if it is accepted and forced down the unwilling throats of Muslims in India, the Muslim religion, language, culture, ideology and psychology will be radically changed completely out of recognition. It is for this reason that the All-India Muslim League, the All-India Mohammadan Educational Conference and all Muslim public bodies, political and religious, even the Jamiatul-Ulema, have strongly condemned the Wardha Scheme and its application to the Muslims of India. Certain books drawn up under the aegis of the Wardha Scheme have already been prepared in Urdu and will be taught to Muslim and Hindu boys and will culminate eventually in the ceasing of Muslims as Muslims. This scheme has also been followed up by the scheme of compulsory primary education for boys from 6 to 12 and there these books will be taught This last scheme has already been put into effect in certain parts of India and several districts of this Province. The Wardha Scheme is unacceptable to the Muslims and they will not submit to it

A detailed criticism of the Wardha Scheme and an alternative Scheme is in process of preparation by the All-India Muslim League Various Provincial League committees have also been constituted for the preparation of such criticism and scheme It is unnecessary therefore in the circumstances to say anything further in this Report regarding this baneful, a pernicious scheme which the Muslims will fight to the last ditch to resist, to destroy it, and prevent its application to Muslims

Glut of New Hindu Procession [s]

A special feature during the last two years has been a glut of Hindu processions which are now being taken out, at all seasons of the year, and on every conceivable occasion. A very

large number, as will appear from a perusal of this Report, have been new processions in regard to which there has been no custom in the particular place. Upon a careful study and a clear analysis of the Government's Policy with regard to music before mosques and cow sacrifice, as set out on pages 7, 8 and 9 of the "Behar Government's reply to Muslim League committee allegations", it will be found that its principles as stated on paper are as follows :

(a) "Protection is given by Government to established customary processions.

(b) District officers have been instructed to discourage taking out of new processions.

(c) Community in majority should not be allowed to impose its will on a community in minority.

(d) District officers are free and have full discretionary powers, without any interference by Government, to deal with each situation as it arises locally and to adopt such measures as may be deemed necessary for the maintenance of Law and Order.

(e) Hindu processions must stop music before all mosques.

(f) New Hindu processions should not be allowed and if allowed not to pass on roads where mosques stand".

It will be seen however that while, in innumerable cases, new processions for which there has been no custom have been permitted by the Government and in some cases against the expressed orders of the local District Magistrates or S.D Os. with the direct permission of the Congress Government through this or that Parliamentary Secretary of theirs, who have gone to the District concerned and orally passed orders overriding the considered, deliberate and distinct written orders of the District officials in whose complete discretion the matter should have rested, and permitted the taking [out] of new processions against custom, for example at Bhagalpur where

Mr. Krishnaballabh Sahay, the Parliamentary Secretary of the Ex-Prime Minister, and at Bagaha where Mr. Jagat Narain Lal, the Parliamentary Secretary of the Ex-Minister of Finance gave oral orders for such processions. This latter gentleman actually went to Bagaha, countermanded the written orders of the District Magistrate who had prescribed a particular route for the procession, orally altered this route, personally stood there while the procession consisting of 40 to 50 thousand people was passing the mosque, blowing conchshells in front of the mosque, playing other musics and shouting offensive slogans. This Parliamentary Secretary saw to it, that the Muslims were over-awed and rendered helpless to protect themselves by having gun-muzzles pointed at them. The District Magistrates in these two above places when asked by the Ministers to give written orders to permit the procession in their respective districts, refused to permit the procession unless they had written authority. This written authority was refused at Bhagalpur and in both the above mentioned cases the oral orders of these above-mentioned Parliamentary Secretaries was [*sic*] carried into effect over heads of the local district officials. At Gaya also in January or February 1939, oral orders were received by the District Magistrate of Gaya that he should grant a license for the taking out of a Mahabiri Jhanda procession there. This European District Magistrate refused to accept such orders, said that he would not be able to take the responsibility for the preservation of peace a breach of which was bound to occur, that the Government should first transfer him from the place before such procession could be taken out Needless to say that owing to such a strong attitude of the District Magistrate no further pressure was put on him and no procession was taken out. There have been a large number of new processions taken out against custom in several places This is how the Congress Government carries out its declared and considered policy when it is a question of placating the Hindus and submission by the Government to the tyranny of disorderly mobs. Of course the Muslims have always been in these cases subjected to the vile oppressions of these unruly mobs. No action has ever been taken by the Government against these disorderly mobs,.

beliberately bent on a defiance of the law and defiance of authority. Cow sacrifice on the other hand has never been permitted to the Muslims when there has been no custom and in some cases also as at Manjhaul even when there was custom as transpired in evidence during the prosecution of certain Muslims for sacrificing a cow in defiance of an order of the S. D. O. under Section 144 Cr. P. C. It appeared in evidence, both oral and documentary, adduced on behalf of the Muslims that they have been sacrificing cows in the village on the occasion of Bakrid from time immemorial. Thus it is apparent that in this matter also the Government departed from its own considered policy, of course the difference was that this breach of its declared policy tended to the oppression of the Muslims. The Congress High Command says that they want democracy for India which means the rule of the majority. The Muslims have had in the Province, during the last 27 months evidence of "democracy in action" as it will be. It is interesting to quote here a certain passage from a statement by Mr. Gandhi in the *Harijan* reported in the *Indian Nation* of the 24th of October, 1939 :

"Paradoxical as it may appear, it is literally true that the so called minorities' fear, has some basis only so long as the weak majority has the backing of British bayonets to enable it to play at democracy."

In all matters of communal trouble, Congressmen and Mahasabhites have acted in combination and in alliance, one with the other, and thus Mr. Jinnah says in his reply to Mr. Gandhi as reported in the *Searchlight* of the 15th November 1939 :

"The Congress is a Hindu body. It is the same coin with the same stamp on the one side of Hindu Mahasabha and on the other that of the Congress and what one speaks out openly the other practises. We are determined to fight and fight to the last ditch for the rights to which we are entitled in spite (*sic.*) of the British or the Congress. We do not depend upon anybody".

Bande-Matram and Congress Flag Hoisting

These two have been very fruitful sources of communal troubles in Bihar during the 27 months of Congress Rule and the consequent oppressions, grievous assaults on Muslims generally, including little boys as at Gaya town and in one case an attempted assault on a Muslim Headmaster, assault on a Muslim assistant master and damage to school furniture as at Jahanabad, a Sub division of Gaya. It is almost now superfluous to say no action against the Hindus was taken. All these troubles and communal riots over the singing of Bande-Matram and the hoisting of the Congress flag in public educational institutions was due to the want of a declared policy by the Government which left the decision of these matters in the hands of the head of the institutions concerned. Behind this want of a policy, mischief and mala-fides lurked, based on a misconception of the Muslim mind that it would submit to anything in which there was an odour—even though seemingly imperceptible—of idolatry and in Bande-Matram the odour was perfectly perceptible, and even on a charitable view, the basis of such order relating to this song, was a policy of shirk. The Government has, however, now after 27 months of rioting over these two matters, only about three weeks before its resignation issued a Press Note and has at last declared its policy as published in the *Indian Nation* of the 10th October, 1939 in respect of these two baneful causes of trouble, and tyranny.

If only this policy had been declared by the Government in the early stage of its advent to power in this province, a great deal of unnecessary bloodshed of innocent Hindus and Muslims would have been absolutely avoided. For the ruin and the misery that has taken place in so many places over these two matters the Congress Ministry is wholly responsible.

Certain Conspicuous Features

A common and conspicuous feature in almost all the communal cases and the various communal riots that have

taken place, is that it will be invariably found that there have been no assault [*sic*] on Hindus in any locality in which the Muslims are in a majority and it is an equally conspicuous feature that the assaults on Muslims have generally taken place in the localities where the Hindus are in majority. This is an illustration of toleration of which we, Muslims, are proud. The riots at Bhagalpur in 1938 and in Gaya in May, 1939 illustrate the above facts. It will also be seen that no fresh demands of any kind have been made by the Muslims anywhere. That there has never been any aggression by the Muslims (*sic.*) It will also be apparent upon a perusal of this Report that it is only in such villages in which the Muslims are in a very negligible minority, that large crowds consisting of 10, 15, 40 and even 50 thousand Hindus have collected and have tyrannised over the helpless Muslims. Another feature will also be noticed that almost invariably, no action of any kind has been taken against these Hindu mobs. No arrests have been made, no prosecutions have been ordered and the poor Muslims have been left completely at the mercy of these unruly mobs deliberately bent upon a defiance of law and often of authority. These mobs have always had complete immunity from punishments at the hands of this partisan Government. Still another feature noticeable is, that in those villages where there is not such great disparate (*sic*). between the number of the Hindus and Muslims there has not been much trouble and never has there been any trouble in any village, where the Muslims predominate. These facts speak volumes. The Muslims have exercised immense restraint in all cases and that but for this excellent attitude of the Muslims generally, there would have been more bloodshed.

If the reports of the local communal Hindu Press of communal trouble is (*sic.*) seen, it will be found that in the course of these 27 months, the Muslims have never been in the right and the Hindus have never been in the wrong. It is thus very refreshing and heartening to find, that immediately after the Congress Government resigned office, almost within a day or two, or at most within a week, a sudden change has

taken place. Within the first week of the new Government taking office, three communal cases have taken place in three outlying villages, where again large Hindu mobs collected as usual in such places. We now find for the first time during the whole of these 2½ years as the Government Press Note shows that these Hindus were the aggressors. Arrests have been made in all the three cases, prosecutions have been ordered. This is the first time that Hindus have been declared aggressors during the 2½ years. As news travels very slowly to the outlying villages in this province, the poor misguided Hindu villagers do not yet know of the immense change that has taken place, they still seem to think that Ramraj exists in this province. They will soon realize, we hope that this blight of Ramraj has, at least for a little while, been removed from over Muslims' heads. It will give a slight indication of the partiality of the Congress Ministers in these communal matters, if by way of a side-light a statement of the writer of this report published in the *Indian Nation* of the 26th November, 1939 is set out :

> "There is a report published in a section of the press that the Congress Ministers of Bihar had sanctioned a sum aggregating Rs 18,000 for sanitation for the exhibition to be held at Ramgarh and to the Reception Committee organising the Congresss session at Ramgarh. It is further reported that these orders of the ex-Ministers have been cancelled by the present Government."

> "By way of contrast to this, I have incidentally to inform the public through your esteemed paper that I, as the Secretary of the Reception Committee of the All-India Muslim League session held at Patna in December, 1938, was called upon and had to pay a sum of Rs. 24 as rent for the Government Khas Mahal land and in addition Rs. 15 as compensation for grazing rights, for the land on which the League Pandal was constructed."

This is an excellent example of the impartiality of the last ministry which was claimed to be a national Government.

This is a matter which is trifling in comparison with the wholesale oppressions of the Muslims in the various outlying villages that have taken place during the Congress regime, but it is little insignificant actions taken unthinkingly and spontaneously upon the spur of the moment that give an indication of the inner mind of a person and not the big actions of life taken with due deliberation and considerable fore-thought. This litttle side-light tells us plainly which way the wind was blowing and is a pointer to the groove in which the Congress mind moves.

Muslims in Government Services

It is proposed later to give a separate chapter on this subject. It is extremely difficult, almost impossible, for a non-official body such as this is, to obtain correct and reliable materials on this subject. The persons who may be in a position to supply such materials cannot do so for fear of reprisals and victimisation. Certain figures however have been obtained from non-official sources and will be dealt with in this Report showing the disparity in the matter of appointments of Muslims and non-Muslims. It has been found during the Congress regime that services to Muslims have been often given to them, in accordance with certain political views. It may be said that naturally the Congress Government can only appoint Muslims whose political views are in sympathy with that of the Congress. But speaking from the point of view of justice, Government services should be given to the most efficient and qualified Muslims irrespective of their political views. As said above it is well nigh impossible to obtain correct figures. The writer has however certain documents before him from which it would appear that political views have been taken into consideration in appointments to the newly created Rural Development Department. Certain allegations appeared in the papers that Pandit Prajapati Misra, the Chief Organizer of the Rural Development Department, who it now appears is also the President of the Champaran District Congress Committee, a member of the Bihar Provincial Congress Committee and also

a member of the All-India Congress Committee, had put certain questions to candidates who applied to him for posts in this Department and were asked certain questions in order to get at their political views. In a "Rejoinder" to these complaints, Pandit Prajapati Misra admits having asked the Muslim candidates amongst others the following questions: "What slogan they preferred 'Bande-Matram' or 'Allah-o-Akber' ", "whom they like better, Gandhi or Jinnah," "If they accepted the discipline of the Congress or Jamiatul Ulema" and "If they were meat or beef eaters or vegetarians". (He further states in his rejoinder "this country is unfortunate enough where communal feelings are so high on occasions and it is the non-communal aspect of the Congress and the teachings of Mahatma Gandhi which must have appealed to me and guided me as Rural Development Officer under the present Congress Government"). These questions were asked of the Muslim candidates only. The Hindu candidates were asked, as he says, questions on "Untouchability, Inter-dining, Shuddhi etc." The nature of these separate sets of questions addressed to the Muslim and the Hindu candidates disclose one fact only that only such Muslims could be appointed in this Department, who satisfied the Pandit's political leanings and that only such Muslims could get posts in the Department, who were either untruthful or sold their conscience for a mass (*sic.*) of pottage. It would have been better if no Muslims had been appointed to this Department in the circumstances It is apparent that in this Department at least, appointments of Muslims to Government services were made on a political basis As to other appointments made by the Congress Government in other Departments, it can be but a matter of conjecture and surmise, the facts mentioned above however would seem to be a pointer. The newspapers of today announce that upon a hint being given by the present Government to Pandit Prajapati Misra that his political speeches and other political activities must cease, he is about to resign his present post. This is good news, as a Government servant with such strong political leanings is a mis-fit in Government Service.

One small incident showing direct interference by the Congress Ministers themselves in matters relating to trivial and insignificant appointment where a Muslim was concerned, needs to be brought out.

In Village Siswa P.S. Gobindganj

A Sur-Punch (Head Tax Collector) for village tax collections, was a Muslim and he had been the sur-punch for several years and had given complete satisfaction. For some reasons best known to them, the local Congress workers were dissatisfied with him They persecuted and harassed him, got him implicated in criminal cases with the help of the local police, their underlings in which he was acquitted. In spite of this, the Congress Minister in charge of the Political Department decided that a new man must be appointed to this post. This Minister directed his Under-Secretary Mr. Tandon to write as follows :

No. 3158 P.

Government of Bihar Political Department

From

P.N. Tandon Esqr., I.C.S.
Under-Secretary of Government

To

The District Magistrate of Champaran,
Patna the 7th September 1938.

Sir,

I am directed to refer to you to your (*sic.*) letter no C/1 dated the 24th/25th August, 1938. The Provincial Government considers that it is desirable that a change should be made in the appointment of a collecting member punch of circle VII of Gobindganj Police Station in the district of Champaran when the term of office of Maulvi Ibrahim Mian expires in December 1938 unless he is found guilty in the

embezzlement charge in which case you would no doubt remove him at-once.

Submitted to D.O.
through S.D.O.
for favour of
Perusal
13th Sept.

I have the honour to be
Sir,
Your most obedient servant,
Sd/- P.N. Tandon,
Under Secretary to Govt.

"Bihar Government's Reply to Muslim League Committee's Allegations"

The writer has before him a copy of the Bihar Government's reply to the Muslim League complaints of oppression of Muslims in Congress governed Provinces, as set out in the Report of the Enquiry Committee appointed by the All-India Muslim League which is known as the "Pirpore Report " The first portion of the Government reply, is headed "The activities of the Government in furthering Muslim interests". As pointed out above under the last heading it is impossible for a non-official body to obtain correct figures and statistics relating to appointments to Government services and at best it is only possible in the circumstances to refute the Government's reply on questions of principles. With this in mind the writer had prepared certain notes sometimes ago by way of reply to the Government which are as follows :

It appears that information was given to the public at Cawnpore by broadcast of the various benefits conferred by the Congress Government of Bihar upon the Muslims of this Province. The news appeared in the local papers, with very bold headlines such as "Over-representation in all departments" to Muslims.

A detailed reply is not possible to this Government catalogue of boons which they claim to have conferred upon the Muslims, nor does it seem necessary as the figures given only relate to certain services and even these in some cases in regard to one or two districts out of 16 in the Province. Behind this lie obvious implications. If the Government

were really free from blame in regard to this, a complete set of figures of all departments and relating to all places in the Province would have been naturally given. The omissions carry their own criticism.

Even in regard to the percentage of the Muslims in the services mentioned, it does not appear what the Muslim percentage is, in regard to pay and the emoluments of the services to which they have been appointed. If these had been given in the Government statement, they would have had their own tale to tell. Certain figures are before me from which it appear that in a particular department although the Musalmans have 26 p c. of the posts in that department, from the points [*sic*] of view of pay, it works out at an extremely small percentage about 6 or 7, proving once again that statistics are extremely deceptive.

The Government statement seems to show that the percentage of the Muslims in the various services stated, have been the special benefits conferred upon the Muslims since the Congress Government came into power. The statement would have been a true picture, if the Government had shown what the percentage of the Muslims were in these various services at the time of the previous Government (to use Mr. Gandhi's term "Satanic" Government) and whether since the Congress came to power in the Province the previous percentage has been improved upon or lessened. In the absence of such figures the Government objective seems but to distort facts.

It is a well known fact that the appointments of Muslims made by the Congress Government have in a large number of instances been made of only such persons as are their partisans without regard to efficiency and with the sole purpose of propaganda in furtherance of the Muslim-mass contact movement and with the intention of creating a split and division in the Muslim community. This seems to be their basic policy in the matter of appointments made by them. Certain names and certain appointments stand out conspicuously and are common knowledge but it would be invidious to mention and

there is also a fear of victimisation of such persons as were rival candidates.

Mention has been made in the statement to grants made to various Muslim institutions but the other side of the picture has not been set out of grants made to corresponding Hindu institutions. This alone could have clearly brought out the actual percentage at which these grants work out *e g.* mention is made of "an increased grant to the Patna Tibbi School in order to place it on a permanent footing." Everyone knows that neither the Vedic and Tibbi Schools have as far as we know not yet been placed on a permanent footing or if they have been put on a permanent footing now [*sic*], it will be but giving effect to a previous scheme drawn up by another Government. Again the Government Press Note says that a sum of Rs. 10,000/- has been given to the weavers of Ranchi District but no mention is made of the very large amounts given to the various Khadi Bhandars and Congress Spinners Association which are intended to destroy the very foundations of the poor Muslim Weavers Community.

We would have very much liked to have had a true statement from the Government as to how many new Pathshalas have been opened and how many of the previously existing Maktabs have been abolished, since the Congress came into power, by the local bodies which are now completely dominated by the Congress A comparative statement of the figures under the previous Government and the present one would show a peculiar state of things.

In the matter of Urdu I need only tell the Government that it is not fair to take credit for what a previous Government had done.

The next chapter in the reply gives a detailed reply to "allegations" of oppression of the Muslims. In this connection it may be said that the first volume of the Shareef Report is a complete refutation and reply to the Government's reply on this aspect of the question. *This Shareef Report although it has been before the Information Officer of the Government for*

several months is still unchallenged. The cursory nature in which the Government's reply has been prepared, the nature of the enquiries which seem to have been made and the generally tainted sources from which the Government have obtained their information will be apparent from one incident. The "Pirpore Report" makes a complaint of certain incidents connected with the prevention of the Muslims from calling out the "Azan" (call to prayers) at village *Siswar* in the District of Saran. The Government reply is that "enquiries made from the District Authorities show that they never heard of such an incident." The Government gives the name of the village as *Siswan*. As a matter of fact, there may be no such village. An undisputed fact is, that a civil suit was filed in connection with these incidents. It is a matter of record. It is surprising that the District Authorities never heard of such an incident, not even knowing the correct name of the village.

One portion of the Government reply is worthy of note and is as follows :

> "While the Muslims want to practise cow-sacrifice as a religious rite, Government have to recognize the hard fact that the Hindus have often been found to stake their all to protect the cow with the result that cow-sacrifice has, in this province, on many occasions, been accompanied by blood-shed and disorder. The first duty of Government is to maintain public order and peace. The Muslim population in the province, specially in the rural areas, is very sparse and widely scattered and if Government were to announce that Muslims could sacrifice cows irrespective of custom, they should also guarantee them the protection which would be necessary to enable such sacrifice to be carried out without their being attacked by large mobs of Hindus. It would not be within the power of any police force, which Government could provide, to ensure the peaceful performance of sacrifice on such a scale".

A statement by the Prime Minister, Mr. Sri Krishna Sinha

declaring [*sic.*] this same policy had been made by him as early as the 7th February 1939 as appears from the official Report of the debates of the Bihar Legislative Assembly of that date which is before the writer. This speech was delivered on the occasion of the debate raised in connection with the firing at village Barara in the district of Darbhanga.

This declaration of the Government policy shows a complete bankruptcy of statesmanship and a complete admission of incompetency to govern and for a Government to say that it is unable to guarantee protection to the Muslims if they exercise their religious or civic rights, because they have no sufficient police force at their disposal, is an astounding declaration of policy. Governments are not carried on or should not be carried on with the help of the police or British bayonets. Governments are not carried on by shootings or by the use of guns. They are carried on by the fear ingrained in the public mind, that if there is a defiance of law, such guns will be used. This is enough in a well organised state. If guns and bayonets and police forces are used every now and then, the people will reach a state of desperation, will get accustomed to these shootings and employment of force and the only preventive for a breach of the peace, disorderly conduct and defiance of law and authority, will disappear. The very baneful and pernicious effect of the declaration of such a policy by this weak-kneed, if not partisan Government, has been already evidenced by the wholesale bloodshed, lootings, and arsons in all the 16 Districts of this Province mostly after the declaration of this policy by the Government. Hindu mobs have realised that they will be immune from punishment which has generally been the case all over the province. A declaration of such a policy indirectly amounts to an incitement to the Hindu mob to defy authority and take the law into their own hands, it is like a publication and an announcement by beat of drums to robbers, thieves, dacoits, malefactors and all whom it may concern, that the Government are unable to protect particular persons who have large quantities of money in their house or are in possession of goods that the Government has not sufficient police to protect such owners in the posses-

sion of their goods. Such an announcement will amount to a declaration that the dacoits may rob these owners and that they will be free from all punishment for such acts. The baneful effects of such an announcement can be scarcely visualised, for this will amount to an indirect incitement for such lootings, In communal matters the effect of the declaration by the Government of such a policy has been that Hindu mobs have run amok.

The Government also says on page 8 of its reply : "It is further alleged (in the Pirpore Report) that cow-sacrifice has been prevented even where documentary evidence of custom at the Thana have been found to exist." Whether the Thana records show this or not, the Thana People alone are to blame. A perusal of this report relating to village Manjhaul in the District of Bhagalpur, however, will show that during the trial of certain Muslims prosecuted under section 188 I.P C. for disobeying the order under section 144 Cr. P. C., it transpired in evidence that cow-sacrifice has been performed in this village from time immemorial, which evidence was believed by the court, as the accused was acquitted.

On page 9 of the Government's reply, the Government says that the average number of cases relating to the cow-sacrifice, in which notices under section 144 Cr. P. C. had been issued during the previous eight years was 4 per annum and that in 1938 the Magistrate had issued notices under section 144 in 5 cases. It has been set out in the first volume of the Shareef Report that the Magistrate had issued notices against the Muslims under section 144 Cr. P. C. in 16 cases in 1938 and by such orders had prevented the Muslims from exercising their civil rights. This was supported by a quotation from statement made by the Prime Minister in the local Council on the 18th of May, 1939. During the period under Report there have been very many more cases in which the Muslims have been prevented from exercising their civil and religious rights. A perusal of this Report will show the immense depredations made on the civil and religious rights of Muslims, who have been obstructed by large

Hindu mobs from exercising their civil and religious rights such as cow-sacrifice, calling out the 'Azan' (call to prayers), for praying in their mosques for which they have been assaulted, for burying their dead in Muslim grave-yards and in all manner of ways from exercising their various civil and religious rights.

In the first volume of the Shareef Report it had been stated on page 90 that "any state that fails to secure its people the enjoyment of their elementary right must inevitably collapse." The Congress Governments have collapsed and if and when they return they must come back with a changed mentality in regard to the preservation of the elementary rights of their subjects, or else there will be civil war in the land. Loyalty is the price of the protection afforded by the state for the preservations of the civic rights of its subjects. Without this guarantee no loyalty is due. This is an elementary principle of Constitutional law. The Muslims have during these 27 months already reached a state of exasperation and this was only one step previous to desperation and breaking point had already been reached [*sic*]. The Congress Ministries have collapsed as they were bound to collapse. The protection of the subjects and the guaranteeing of their civil rights is the most important duty of the state. A British monarch lost his head on this very issue in the mid-17th century. A monarch of France and his queen were guillotined in the last decade of the 18th century on this very issue. Comparing big things with small, the Congress Governments in 8 provinces of India have committed hari-kari [*sic.*] and political suicide on this very issue and it is on this issue that the Congress has wrecked itself. Mr. Gandhi, his satelites [*sic*] and his blind followers, who are "playing at democracy with the help of British bayonets" (as Mr. Gandhi writes) may say what they like, they may say that the Congress Ministry [*sic.*] have resigned because the British Government has not declared its war aims or has not declared the independence of India. The Congress knows that the independence of India will follow in the course, as it is enevitably [*sic*] must, when the Hindu-Muslim question is settled and this once for all. It knows that this is the

only stumbling block, this is the main and only issue which must be settled now or never, all else is mere propaganda to put the British Government in the wrong. The British are past masters in the art of politics. They know, if the Congress does not know, that the law of the jungle which prevailed in Bihar during the last two years and to which the Congress will have us go back, must cease, this law of might is right, this tyranny of the minority by the majority must go first and immediately, before India can make any further advance. The British Government has put its fingers on the right spot. It insists on the settlement of this fundamental, crucial and all important question. The Congress desires to shirk it. It still insists on the farce of a Constituent Assembly which will consist of representatives elected on the largest possible franchise. This means a 75 p. c. majority of Hindus and a 25 p. c minority of Muslims. Decision will be taken by the mere counting of heads, even this only on the assumption and it is a violent assumption, that all things will be clean [,] fair and above-board, that there will be no back-stairs political manoeuvrings by the Congress with all its wealth and its huge organization, to get in as Muslim representatives [*sic.*] the Congress Muslims only who the Congress knows represent but themselves and that they have sold themselves for a mess of pottage. The Muslims so far relying on the political sagacity of the Congress and on nothing else, had hoped for some wisdom from the Congress in these communal matters and they have found the Congress steeped as it is in the Gandhian ideology and philosophy, is in communal matters, at least, politically bankrupt. The Muslims will no longer be found napping. They have been duped so far, they refuse to be any longer. This game has been played once too often. The Congress must settle this Hindu-Muslim question atonce [*sic*]. The Congress knows that this is not a "subsidiary matter", it is not a domestic one of the Hindus and Muslims". This is not a mere subsidiary matter but a most essential matter [,] the very crux or all matters without which there can be no political advance in India. If this matter is settled, there will be no need to beg for anything from anyone, and all political

advance will come as a matter of course. The putting off of this important and essential question, will, the Muslims fear, mean the issuing of another blank cheque by Mr. Gandhi to the Muslims. We remember only too well that the previous one issued by him, was so blank as even to lack a signature. The Muslims fear that the Karachi Resolution guaranteeing the political, religious, cultural and economic rights of the Muslims, will be searched and picked up from some appropriate scrap-heap in the Congress office and flung in the face of the Muslims, as has been done in the past. No, this game is played out. There has already been a complete expose of the false claim of the Congress that it represents to [*sic*] all sections of India. This theory has been exploded and this ghost has been laid.

Scope of the Report

Besides the cases appearing in this volume of the Report many cases have come before me of the oppressions by the Hindus of their Mussalman neighbours who happened in that village to be numerically in a hopeless minority, the writer has a large quantity of material of other incidents, which have been crushed [*sic.*] out of this Report for want of space. It will be seen from a perusal of this Report, that oppressions from fifteen out of the sixteen Districts of the Province have been reported. As the materials of the remaining district did not come up to the standard prescribed for them, they have been excluded from this Report. There are also cases within the personal knowledge of the writer, where the poor Mussalmans who were surrounded on all sides by the Hindus and are numerically, financially and in many other respects inferior to their Hindu neighbours, have not for fear of their lives and property, even had the courage to bring the matter to the notice of the officials or to the local police officers. For in case they do so, firstly they can not [*sic.*] be permitted even to go to the police and, secondly, the consequence to them will be very disastrous at the hands of the cruel Hindus who intoxicated with the idea that the Government are theirs, are ready to commit all sorts of tyrannies upon their Mussalman

neighbours with a view either to turn [*sic.*] them out or to keep [*sic.*] them as serfs under them. These poor Muslims have by force of the circumstance of the smallness of their numbers in particular villages, been compelled to submit to the various oppressions committed by disorderly Hindu mobs. The writer has deliberately excluded these cases fearing victimisation of such helpless Muslim villagers.

PART II

BRITISH COLONIAL INTERPRETATIONS AND PRONOUNCEMENTS

. . . it is certain that more people have lost their lives or have been wounded in India by violence since the Interim Government under Mr. Nehru was installed in office four months ago . . . than in the previous 90 years . . . These frightful slaughters over wide regions and in obscure uncounted villages have, in the main, fallen upon Muslim minorities. I must record my own belief ... that any attempt to establish the reign of a Hindu numerical majority in India will never be archieved without a civil war, preceding, not perhaps at first on the fronts of armies or organised forces, but in thousands of separate and isolated places.

—**Winston Churcill**
Statement in the House of Commons,
13 December, 1946.

20

MUSLIMS UNDER CONGRESS RULE

I

THE IMPACT OF CONGRESS RULE ON HINDU-MUSLIM RELATIONS*

The fact that there is tension between Hindus and Muslims in India is well known. But its importance is not recognised sufficiently. Its extent was indicated in the Report of the Simon Commission in 1930. The comments are lucid, and weighty. These are the comments. . . .

The census of 1930 enumerated about 177 million Hindus and 66½ million Muslims in the eleven provinces of British India. The division by provinces shows that Hindus are in an overwhelming majority in Madras, Bombay, the United Provinces, the Central Provinces, Bihar, Orissa and Assam, and that Muslims are in an overwhelming majority in the North West Frontier Province, and Sind, and in a majority in the Punjab and Bengal. If the franchise had been strictly according to population, and parties had been based on religion apart from political views it is clear that under ordinary conditions Muslim minorities would remain perpetually under the rule of Hindu majorities in the first seven provinces. The voting power of other communities would be insufficient in the provinces in question to affect the result.

The framers of the Government of India Act did not overlook these considerations, but the circumstances were too

* Sir Louis Stuart, "Hindu and Muslim Tension", *The Indian Empire Review*, London, May 1939, pp. 189-195.

strong from them. There was no device by which the two communities could be brought on a voting equality, and it was not within the power of anyone to persuade the Indian communities to substitute effectively a political loyalty for a religious attachment. Recourse was had to weightage in the apportionment of seats, to supplement the separate electorates that were already in existence. But it was obviously impossible to allot sufficiet seats to the Muslims of the United Provinces or Bihar—for example—to enable the Muslims of a party to obtain an independent majority at the elections. It was hoped that the introduction of provincial self-government would make for the creation of political parties which would be independent of religious prepossessions. That hope has not been realized, nor is it likely to be. The main parties are the Congress party, essentially Hindu with a small sprinkling of Muslims and the Muslim League entirely Muslim.

Two safeguards were provided. The first was that the Governors should include in their Ministries a representative of an important minority. The other was that the Governors should exercise special responsibilities to protect the interests of the minorities. There was an obvious difficulty in respect of the first. If the Ministry were a Ministry in a province containing solid Hindu majority and the division were on communal lines, any Minister representing Muslim interests would be in complete opposition to his colleagues, and any Minister who was not in such opposition would not represent Muslim interests. This difficulty has appeared already in every Congress provincial ministry which contains a Muslim Minister. There remains the Governor's special responsibility. That safeguard is, however, restricted considerably by the fact that its exercise against the views of the Ministry can easily lead to a constitutional crisis and the resignation of the Ministers.

It could hardly have been expected that an extension of self-government would tend to reduce communal friction. The Report of the Simon Commission had noted that such friction had increased in the past as a result of the introduction of re-

presentative institution. The Report says. . . .

The breach between the Congress Party and the Muslim League is growing wider. The Muslim League Party complains that, wherever the Congress Party is in authority, it uses its power to the detriment of the Muslims. The League recently appointed a Committee to examine and report on complaints of "hardship, ill-treatment and injustice" to Muslims in various Congress provinces. The report of the committee was issued on the 15th November 1938. Very little publicity has been given to this report. The committee which was under the chairmanship of Raja Syed Muhammad Mehdi of Pirpur, a leading landed proprietor of Oudh, confined its inquiries to the United Provinces, Bihar, Orissa, the Central Provinces, Madras and Bombay.

The report is to the effect that in all those places there have been organized attacks by Hindus upon Muslims, which have failed to attract sufficient attention from the Congress Governments, and which in certain instances have been the work of Congress sympathisers. It is alleged that Muslims have been unfairly excluded from the public services, that they are kept out of local bodies and debt conciliation boards, that there has been interference with the use of the Urdu script, and that obstacles have been placed in the way of Muslim culture. These are complaints that their children are prevented from being educated as their parents with them to be educated. It is urged that Congress ideas are forced down their throats—notably in the matter of the singing of "Bande Mataram" and the use of the Congress flag.

While it is not possible to apportion the responsibility for the communal riots of the lest few years on the allegations in the report, there can be no doubt as to the fact that communal riots are on the increase and that they show no sign of diminution The Prime Minister of the United Provinces stated on the 8th February in answer to a question in the Legislative Assembly that during the eighteen months that the Congress Ministry had been in office there had been 24 communal riots

in the province with 54 persons killed and 787 persons injured. The report of the Simon Commission noted that in the five years from 1923 to 1927, 450 persons had been killed and 5000 persons injured in communal riots over' the whole of India. It will be seen that the figures for the United Provinces since the Congress Ministry came into power are worse on the average. There have, further, been more riots of a serious nature since the 8th February.

The report of the committee contains one statement which it will be hard to meet. The Congress Chairman of the Local Board in Chandwar in the Central Provinces issued a letter to the headmasters of the Urdu schools which are attended by Muslim boys, directing them to display a portrait of Mr. Gandhi on the day of his birthday and to order the boys to worship it. The words in Urdu are—'*Mahatma Gandhi ki taswir ki puja ki jawe*." As orthodox Muslims conceive the worship of any man blasphemy to God, and the stricter take exception to making the likeness of any living thing, this injunction to Muslim boys speaks for itself.

It would serve no useful purpose to take all the charges made in this report in detail and to consider how far they are brought home. In the nature of things the complaints cannot be taken as made out until the other side has been heard, and the matters therein are matters for inquiry and not to be decided without inquiry. This much, however, is certain. An important body which claims to represent the vast mass of the Muslims of India, and which undoubtedly represents a mass of Muslim opinion, is profoundly dissatisfied with the position of Muslims in the Congress provinces in which the Hindus are in a majority. The discontent is voiced by men of position and influence, who are beyond doubt leaders of their own community.

These leaders say that the appointments of Muslim Ministers in the provinces where they have been appointed have in no way met their grievances, because the Ministers so appointed belong to the infinitesimal minority of the Muslims

who have accepted the Congress creed, and in no way represent Muslim opinion. In respect of the special responsibilities of the Governors to protect Muslim interests, they say that the Governors have been unable to afford sufficient protection through the exercise of those responsibilities. They recognise the difficulties of a Governor's position. If, for example, a local authority under a Congress Minister issued an order prohibiting the slaughter of cattle and the sale of beef in a place, where cattle had been slaughtered and beef sold for the last hundred and fifty years, and the Governor in exercise of his special responsibilities rescinded that order, the result might well be the resignation of the Ministry and a constitutional crisis. The Muslims understand the position.

The grievances, however, go much further than actual instances of maltreatment or oppressive conduct. There is a general grievance that under the present regime in the Congress provinces the Hindu is everything and the Muslim is nothing. It is not only what the Hindus do, it is the way they carry themselves. Before 1937 a Muslim vegetable seller in a ward in an Indian city may have had to do with a Hindu constable on the beat, a Hindu municipal overseer, a Hindu octroi clerk, a Hindu in the booking-office and the like. He may not have cared for them particularly. He may even have disliked them somewhat because they were Hindus. But he did not regard them as having got above him and they did not regard themselves as having done so. The position was that Hindu and Muslim alike were subjects of the British Government, and under the same flag—the Union Jack. But now the Hindu is under the Congress Government and under the Congress flag, and the Muslim vegetable seller is an outsider, unless he becomes a Congressman. For various reasons he does not join the Congress. So the Hindu policeman, who is made to regard himself as a servant of the Congress, and the rest lord it over the Muslim. Muslim Raj was superseded by British Raj. Well—British Raj is now superseded by Congress Raj, and let the vegetable seller remember that.

The attitude of the hypothetical vegetable seller may not

be completely reasonable, but the importance is that it exists. In similar circumstances a similar attitude has been found to exist in other places, and in the result to have been effective. The explanation suggested of the antagonism of the Muslim minorities in the face of Hindu majorities' rule may not be complete. It may not even be accurate. But there can be no doubt as to the existence of the antagonism. The authorities must be as alive to its importance as they were 13 years ago, when the then Viceroy made a moving appeal to the leaders of the two communities. . . . There have been many similar exhortations since. All have been ineffective.

The Congress Party attributes the existance of the tension to the dissensions, which they assert, have been created deliberately by the British in pursuance of their policy of dividing and ruling, and to separate electorates. The accusation that the British sowed dissensions is absolutely devoid of truth and has never affected anyone who knew the facts. The system of separate electorates has not influenced the matter one way or another. The Simon Commission disposed of that contention in the following passage of their Report. . . .

These views, which were enunciated nine years ago, are reproduced, because they state the situation as it is at present. *The struggle is for political power and for the opportunities which political power confers.* Therein lies the difficulty. Under the present system in India most of the provinces must remain for what would seem to be an indefinite period under the control of one community or the other. The Muslim League committee report says: "The majority and minority parties in Britain are interchangeable: their complexion and strength go on changing with the conditions of the country. Today a National Government is in power, but the Conservative, Liberal and Labour parties have an equal chance of running the Government of the country. Here, in India we have a permanent Hindu majority and the other communities are condemned to the position of a perpetual minority." There is substance in this. In these

circumstances what will be the final result of the struggle for political power? The Muslims are not likely to abandon that struggle, even though they are not in a position to obtain majorities in certain provinces. Nor are Hindus likely to abandon the struggle in places where they are the minority. And there are other minorities.

When the Act was framed, it was hoped that the difficulty would be overcome by the inclusion of Ministers representing important minorities and by the conferment of special powers on the Governors. But it would appear that the difficulty has not been overcome by these provisions. The solution has yet to be discovered. The solution proposed by the Congress is that all Muslims should join the Congress Party, which will undertake to meet all their needs. But the Muslims, and in particular the Muslim League, refuses [*sic.*] to enter the Congress. They are determined not to merge themselves with the Congress Party, and they do not accept their assurances. There has been talk of a settlement between the Aga Khan and Mr. Gandhi. But negotiations have not progressed, and there is further doubt as to the willingness of the League to accept such a settlement. The solution should preferably come from the Muslims or from the Hindus, or from both. Such a solution may yet be suggested.

II

THE HINDU TOTALITARIANISM OF CONGRESS RULE*

British statesmen who modelled that amazing piece of legislation, the India Act, built on the hope that self-government would bridge the gulf between the two opposing nations in India, Hindu and Muslim.

The success of the new policy depends on whether that hope is realised. The experience of two years' working of

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* Sir William P. Barton, "Indian Muslims Reject Hindu Tyranny", *National Review*, London, June, 1939, pp. 751-758.

the new constitution has not been encouraging. The hostility between the two great divisions of the Indian people has, on the contrary, been intensified. Hindus and Muslims are farther apart than ever.

The growing tension constitutes a serious threat to the federal scheme. Unless Hindus and Muslims can work in harmony in the central government, ultimately some system other than a parliamentary system of government must be evolved. Muslims now feel that federation is an impossibility; that it would mean for them the dominance of the Hindu, and with it the suppression of Muslim culture and traditions. Leading Muslim, including outstanding Muslim, statesmen like Sir Sikandar Hayat, Prime Minister of the Punjab, have made it clear that they would prefer civil war to the submergence of Islam in the rising tide of political Hinduism. The establishment of federation is awaiting the adherence of the Princes. For nearly four years they have studied its implications on their sovereignty; they are still reluctant to take the plunge. The attitude of the Muslims must be a disturbing element in their judgment of the situation.

What are the root causes of Muslim intransigence? In examining the question it is necessary at the outset to recall outstanding but easily forgotten facts. Indian Muslims have never demanded democracy in India, for the simple reason that it would mean the political predominance of the Hindus; it is not democracy, in their view, if one nation, the Hindu in this case, should prevail over and govern a smaller nation, the Muslim, even if the two nations are living side by side in the same country. India, now that Burma is a separate political unit, comprises roughly 335 millions of people, including the dominions of the Indian Princes. Of these between 80 and 90 millions are Muslims; there are four or five millions of Christians and smaller groups; fifty millions of out-castes; the rest, about 200 millions, are Hindus

The greater part of India is now ruled by Congress, essentially a Hindu political party, though it claims that it

alone speaks for India. It refuses to recognise its Muslim counterpart, the All-India Muslim League. The immense superiority of the Congress organization and its system of propaganda enabled it to sweep aside the opposition of more conservative Hindu elements, *e g.*, the landowners, and even in many cases to capture Muslim seats for its nominees, looked on as renegades by the vast majority of Muslims. The success of Congress in capturing the Muslim strong hold of the North-West Frontier is eloquent testimony to its efficient system of propaganda; it looks as if Sind, thanks to Muslim dissensions, might fall into Congress hands; the Muslim ministry in Bengal is not over stable.

Muslims regard the Congress record in the provinces as clear proof of their intention to establish Hindu *raj* throughout India. Muslim interests are, they assert, everywhere disregarded in Congress provinces. In the Central Provinces, for example, a new scheme of education (the Wardha scheme devised by Mr. Gandhi, based on Hindu culture) is being tried out. Muslim boys in the school are expected to stand with folded hands while the Congress National Anthem, Bande Mataram, is sung. Hindi, essentially a Hindu language, is being compulsorily introduced in the schools throughout Congress provinces, while Urdu, the official and cultural language of the Muslims, is pushed aside. No Muslim Minister genuinely representing Muslim interests has ever been associated with the administration in a Hindu Province In Bombay strong Muslim opposition has been raised to legislation aiming at joint electorates in local bodies, which would almost everywhere mean the exclusion of Muslims from participation in local government.

Other Muslim criticism concerns Congress administration and policy generally. There is no trace of democracy in Congress methods. Congress is, in fact, an oligarchy, dominated by Mr. Gandhi, at whose bidding ministries are made and unmade irrespective of the wishes of the elected representatives of the people. The policy of prohibition, with its disastrous effects on provincial finance, is being

members have joined it simply in order to exploit the opportunities of graft it offers. Its ex-President, Pandit Jawahar Lal Nehru, criticises its "appalling indiscipline". It cannot control its left wing, which has strong Communist leanings, utterly opposed to Muslim principles. Its declared policy is to take advantage of trouble in Europe to sever the connection with Britain; any attempt of the kind might easily result in anarchy. "Can we", Muslim leaders ask, "be expected to place our fate in the hands of such a body of men ?"

In a recent statement to the Press, Sir Abdullah Haroon, a Muslim politician of repute, expressed the view that two years' working of the India Act had proved that democracy was not suited to Indian soil, clime or environment. The purpose of Congress was to establish a *raj* of one particular community by exploiting the ignorance of the people and fomenting trouble. Nationalism was perverted to set Hindu against Muslim, the people of the States against their Rulers, tenants against landlords, millhands against owners. To bring India under the sway of the political exploiters who dominate Congress would inevitably result in civil war.

At the outset of the new democratic regime in the provinces Muslim statesmen felt that there was at least some hope that in a federation including the Princes a national government of a conservative type, representative of all interests, might be formed. That the hope has been dissipated constitutes another reason for Muslim hostility to the federal scheme. What has happened is that Congress has extended its activities to the States with the avowed object to forcing the Princes to democratise their administration and so to allow their people to elect their own representatives to the federal legislature. The vast majority of the States are Hindu and the result would inevitably be that the greater number of States representatives would wear the Congress label. Congress has, it may be noted, laid down that the election manifestos of the States must necessarily be assimilated to that of the provinces; in other words, of Congress. In such circumstances the States would send a mere handful of Muslims to

the Central Government. Muslims bitterly observe that in Kashmir, where Muslims outnumber Hindus by three to one, Congress has made no attempt to influence their Hindu Ruler to confer self-government on his people. ' They comment further on the incongruity of an oligarchy like Congress, ruled by a dictator, endeavouring in its own selfish interests to force on the States a democracy it has discarded itself.

A regrettable feature of the existing situation is that Muslims have lost confidence in the British Government. Their attitude is, in fact, hostile. Britain has, they feel, sold them to the Hindu. They had expected the British Government to interfere to protect their interests in Congress provinces, for example, to assure the appointment of a representative Muslim minister in such provinces and to prevent discrimination in any form. So far nothing has, they assert, been done for them; the hope has vanished. The British Government, in its anxiety to prove the genuineness of the reforms, has been, in their view, too inclined to give Congress a free hand to pursue its selfish policy of establishing caste Hindu Rule throughout India. No stronger proof of this is needed, Muslims think, than the attitude of Congress itself. Everywhere the Congressmen display exuberance of victory. Paramountcy, they assert, now lies in their hands. Let Mahatma Gandhi threaten to withdraw his ministries and the British Government will carry out his injunctions as regards the States. The British Government climbed down over the release of the Bengal terrorists; they did so again over the appointment of a civilian of Orissa as acting Governor; yet again they gave way at a threat of resignation when Congress Ministries demanded Viceregal intervention in Rajkot to prevent a fatal termination to Gandhi's fast. The result has been, in Congress eyes, to confer on Gandhi for all practical purposes the unofficial status of dictator of India. The final battle is almost as good as won.

Indian Muslims have other grievances against the British Government. They strongly resent British policy in Palestine; they bitterly criticise the administration of tribal areas on the

North-West Frontier, especially the handling of the Waziristan problem. The use of the aeroplane for bombing purposes is strongly criticised, with very little knowledge of the limited extent to which the air arm is used in a Frontier campaign. The truth is that Indian Muslims do not wish the Pathan tribes to be disarmed and dominated. It conforms more to their interests to have half-million fighting men of the Border hinterland as a reserve force to uphold Islam against the Hindu should there be in the end a life and death struggle for supremacy between the two great religious groups. Here it may be noted that, despite this feeling of resentment among the Muslims, Sir Sikandar Hayat pledged the loyalty of the Punjab during the crisis of last September, a striking contrast to the Congress attitude.

Put briefly; the Muslims of India regard the India Act of 1935 as destructive of their hopes of the establishment of a system of Home Rule in which their interests would be protected. For them the much-vaunted Indian Nationalism of Congress is a blind. Bitter experience has convinced them that Congress does not desire to give freedom to India as a whole, but merely to replace British Rule by the rule of the caste Hindu. The provincial scheme has utterly failed to safeguard even the elementary rights of Muslim minorities in most of the provinces.

Muslim fears are widespread, and must be reckoned with by those responsible for the fate of India. And it would be idle to deny that they have a solid foundation in fact. It is not surprising that in the circumstances described Muslim leaders are considering the possibility of an alternative to the federal system devised by the British Government.

III

THE PERFORMANCE OF CONGRESS PROVINCIAL GOVERNMENTS*

Thus the fundamental principles underlying the Act [of 1935] were Partnership and effective Safeguards. How far have these been realized up-to-date ? The elections for the 11 Provincial legislatures took place early in 1937. The Congress party, as a result of its superior organization and a skilful propaganda which appealed to the cupidity and racial and religious prejudices of an electorate of 35 millions, four-fifths of whom were illiterate and had never voted before, obtained a majority in the seven provinces where the Hindus predominated, and later even in the Muslim North-West Frontier Province by an alliance with the anti-British Red Shirts. The Muslims had a majority in Bengal, and in the Punjab and Scinde, where they outnumber the Hindus; but in Bengal and Scinde there is a strong Congress opposition. Thus, since the new Ministries took office some two years ago, the Congress have had political control of eight out of the eleven Provinces.

How have they used their power ? One of their first declarations was that of July 2nd, 1937 :

> "The Working Committee is unable to subscribe to the doctrine of Partnership. The existing relation between the British Government and the people of India is that of exploiter and exploited."

Their hostile attitude towards the British partner is affirmed even more emphatically in the oath which the Congress President administered at Delhi on March 16th, 1937, to all the newly-elected Congress representatives (between 700 and 800) to secure that there should be no back-sliding. The oath runs :

* M.F. O'Dwyer, "India under the Congress", *National Review*, London, July, 1939, pp. 41-49.

"I pledge myself to the service of India and to work in the legislature and outside for the independence of India and the ending of the exploitation and poverty of her people. I pledge myself to work under the discipline of the Congress for the furtherance of Congress idea's and objectives to the end that India may be free and independent."

But these same Congress members, on entering the new Provincial Legislature in July, 1937, also took the following oath of allegiance to His Majesty :

"I will be faithful and bear true allegiance to His Majesty the King Emperor, His heirs and successors."

The Congress oath, which involves the ousting of his Majesty's sovereignty and the severance of the British connection, is clearly inconsistent with the oath of allegiance. The point was raised at the time, but Mr. Gandhi's sophistry overcame the twinges of conscience. The oath of allegiance was and is regarded as a mere formality. It has as much binding value as a Hitler pledge. Thus the party which today controls three-fourths of British India has made it clear that so far from accepting partnership, their object is to oust the British partner—after which the other partner, the Princes, will be an easy prey.

The determination to oust the British is shown whenever the opportunity offers, e.g.. the hauling down of the British flag in the Legislative buildings, the refusal to join in the Coronation celebrations, the repudiation of honours bestowed by His Majesty, the ban on all social relations between Congressmen and officials from the Viceroy down, the repeated rejection of the Budget by the All-India Assembly, its demand for the withdrawal of the British troops from India and of the British officers in Indian units, the attempt by Congress agents to prevent recruitment to the Indian Army, especially in the Punjab, the declarations of Congressmen in the Assembly in the September crisis, which—as described by the Finance Member—*"pointedly announced to the world that in the next war India would not only not fight for the Empire but*

would actively conspire to hinder and injure it", and the resolution of the All-India Committee (*Times*, May 1st) that they were determined to oppose all attempts to impose a war on India or to use Indian resources without the consent of the Indian people, *i.e.*, of the Congress. While according to *The Statesman* of February 13th :

> "Speakers at the recent Congress Conference at Jalpaiguri simultaneously talked of fighting Britain, of explaining the justice of their cause to foreign nations, and getting aid."

It may be asked—What of the "effective safeguards" of which we heard so much from the Secretary of State and others during the Parliamentary dabates ? They have gone, or are going, the way of such safeguards. A former Prime Minister (Mr. MacDonald) stated in an Irish debate, "I am one of those who do not believe that safeguards of any certain efficiency can ever be embodied in any Act of Parliament," The Irish Treaty of 1922 proves that, and it is hard to understand how, with that warning before it, Parliament pinned its faith on the safeguards in the India Act.

We have seen how the policy of "Partnership with Safeguards" has been repudiated by the now dominant Congress Party in the case of the British partner. The Congress has now adopted the same hostile attitude towards the third partner—the Indian States. The States, with their 80 millions of people, are noted for their active loyalty to the Throne and the British Government, and are therefore regarded by the Congress as an obstacle to their "Independence" policy, which must be removed at all costs. For some years, agitation within the States against the Rulers had been fomented by the Congress from British India, but it refrained from an open campaign. A few months ago Mr. Gandhi, having suffered a temporary rebuff by the failure of his nominee to be elected President in place of the extremist Mr. Bose—who was re-elected—saw an opportunity to recover his prestige by announcing that the awakening of the States people justified

the Congress in British India in giving them open support. Accordingly he, with his lieutenants, headed the campaign in Rajkot, Jaipur, and other States. That campaign against authority among an ignorant and excitable population has caused and is still causing riot, bloodshed and murder on an appalling scale, not only in the so-called "backward" States such as Ranpur and Gungpur, but even in those which are known to be well governed such as Jaipur and Mysore. Alarmed by the results Mr. Gandhi has now called off Civil Disobedience in the States. The Congress aims to bring all the States under its control.

By treaties and agreements of over a hundred years' standing, the British Government is pledged to protect the internal sovereignty and integrity of the States against external aggression or internal disorder, both of which the Congress is now encouraging. Moreover, the Act of 1935 and the Instructions to the Governor General and Governors contain most explicit injunctions to prevent any such attacks. The Princes, whose position is so seriously threatened from British India, have every right to call upon the British Government to fulfil its obligations. Doubtless, some of them have done so. But so far the agitation goes on unchecked and has got beyond Mr. Gandhi's control. A Governor who was asked recently why he allowed his Province to be used as a base for attacks on adjoining States, is reported to have replied : "What can I do? If I take action, my Congress Ministry will resign!" Clearly the States cannot rely on the so-called "safeguards", and one can understand their hesitation to enter into a Federation with British India while the dominant Congress Party is making every effort to wipe them out. It is clear that the India Act does not protect the interests of two of the partners. But the Act also bristles with safeguards for the Muslim, Anglo-Indian, and other minorities in British India, for the protection of the Services, of British Trade, and so on.

How far have these proved effective? The position today is summed up in an editorial in the Calcutta *Statesman* of

February 13th—a newspaper of great influence, which has steadily supported the policy of the India Act. The article runs :

> "Hindus and Muslims murder each other in Cawnpore, Mr. Gandhi calls for war throughout the States of India. Kisans (peasants) are in revolt against one Congress Ministry in Bihar, Trade Unionists against another in Bombay, Muslims conduct civil disobedience against Mr. Gandhi's education schemes in the Central Provinces, Hindus conduct it against the enforcement of Hindi in Madras, Schoolboys and students conduct it all over the place. . . From Burma comes a bitter Indian cry. . .and a demand for protection. Liberty is sinking through lawlessness and democracy dying of disorder."

Such is the picture drawn by a friendly critic. It shows that throughout the length and breadth of India there is growing discontent, growing social, economic, and communal strife, growing contempt for the law and authority. The Pax Britannica is rapidly becoming a memory of the past under Congress rule. The Congress is, for the time, all powerful in the United Provinces. There Sir T. B. Sapru (*sic*), the ablest of the moderate leaders, whose influence here was a main factor in getting the Bill through, now says of the Congress Government : "It has alienated the support of the Zamindars, the middle classes, Hindus and Muhamedans. It stands bereft of all moral prestige behind it." In the three Non Congress Provinces, and especially in the Punjab, matters are better, for the Muslim majority has wisely associated the minorities in the Ministry. This, though contemplated by the Act, the Congress Provinces have refused to do. Today, as admitted by Pandit Jawahar Lal at Cawnpur on April 10th, commenting on the recent riots, in which over 50 people were killed and several hundred seriously injured, the whole country is faced with the communal problem.

Everyone now admits that the age-long Hindu-Muslim antagonism has been immensely intensified since the Act

came into force owing to the struggle of the Muslims to retain their social, cultural, and religious independence. threatened by the Hindu domination of seven provinces. The Muslim minority in these provinces complain that they are not getting a square deal, that the safeguards are not enforced by the Governors, and that their vital interests are menaced by the Congress endeavour to establish Hindu domination over all India.

A shocking example of Congress intolerance is the direction of the Congress Chairman of a local Board in the Central Provinces to the headmasters of Urdu schools, which are attended by Muslim boys, to display a portrait of Mr. Gandhi on his birthday, and to order the boys to *worship* it.

"Mahatma Gandhi ki taswir ke puja ki jawe."

It is well known that to a Muslim that such an act would be blasphemy.

The Muslim League, now a powerful and united organization, appointed a Committee last autumn to report on the complaints by Muslims of "hardship, ill-treatment and injustice" in the Congress Province(s). The report not only alleges serious grievances such as the above, but brings out the general grievances that while the Muslim Raj of seven centuries was superseded by the British Raj, which held the scales even, the British Raj is now superseded by the Congress Raj, which unduly favours the Hindus.

The Muslim League was so impressed by this report that at a meeting on December 12th, attended by the Muslim Premiers of Bengal and the Punjab, it was proposed to start civil disobedience in the United Provinces, Bihar, and Central Provinces on the ground that "atrocities had been committed on Muslims and their elementary rights trampled on, and that the Congress Government had failed to afford redress in spite of the constitutional methods of the Muslim". The matter was, however, left to the Muslim (League) Working Committee, which passed resolutions (1) strongly opposing an

All-India Federation as likely to confirm Hindu ascendancy; and (2) appointing a Sub-Committee to explore suggestions for an alternative Constitution which would safeguard Muslim interests. The report of the Sub-Committee was' published on March 30th. It is, in fact, a revolutionary proposal to replace the present Constitution by one based on the creation of separate homogeneous and autonomous exclusively Hindu and Muslim Provinces, thus enabling Muslims to retain their separate social, cultural, and religions existence. The general lines of the scheme are under consideration by the League Executive; but it bristles with difficulties, not the least being the transfer of millions of Hindus from the proposed four Muslim Provinces of North-West India, Lucknow-Delhi, Bengal-Assam, and Hyderabad, to the adjoining proposed Hindu Provinces, and *vice versa*. Under the scheme, the Indian States would be linked up with their adjoining province—a proposal also presenting enormous difficulties. The scheme, indeed, appears to be a fantastic one, and alternatives are being sought, but the fact that it is receiving serious study shows to what lengths the Muslims are prepared to go to escape from Congress supremacy.

One word about the Services. In so far as the new scheme is working at all, that result is mainly due to the royal support afforded to the new Ministers by the Services, British and Indian. Indeed, the Congress Ministers have often acknowledged this support, while at the same time demanding the removal of the small British element, which has set the standards of integrity and efficiency, and menacing the security of all the Services by cuts in pay, or a special tax on salaries now proposed in the United Provinces.

In regard to law and order, it is clear from the reports of all Provincial Governments that since the transfer there has been a formidable increase in crime against person and property, which generally the police and the Courts find it difficult to cope with. Their task is not rendered easier by the fact that the British Government has relinquished this primary responsibility, that Parliament is apparently debarred from

even asking for information as to what is going on in the Provinces, that the British *personnel* in the Services is being steadily reduced, and that Indian Ministers and men of influence are showing a dangerous tendency—common in the East—to interfere in the course of justice or in matters of administration. There have been scandalous instances in Bombay and the Central Provinces of the release by Congress Ministers of convicted criminals in whom they were interested. Pandit Jawahar Lal recently publicly rebuked Congressmen for pushing claims on behalf of their relations.

It is a sad reflection that the two great boons which we prided ourselves on having given to India—the *Pax Britannica* and impartial and efficient public services—are both seriously menaced. It is to be feared that apart from the hostile attitude of the Congress, this will materially affect the aid we can expect from India in the event of a war.

Reviewing the situation as a whole, the melancholy conclusion is that the new Constitution has so far been a failure because the Congress Party demands complete independence, repudiates all partnership and rejects safeguards; and that consequently the Constitution, instead of uniting India as a whole, has intensified the disunity, while the efficiency of the administration is steadily going down and every Congress Province is heading straight for bankruptcy. The Congress panacea for all this is "Get rid of the British and then everything will come right". They ignore the fact that the dissappearance of the British would be the signal for invasion from without and civil war within on a scale which the world has not yet seen. Their attitude reminds one of the story of the old lady in Dublin, after the Treaty of 1922. When the last British soldier went to board the transport, she shouted :

"Glory be to God! The English have gone at last. Now we can fight in peace."

They did in Ireland and they will do in India if Britain abandons control. But what will history have to say to that policy?

IV

THE NATURE OF CONGRESS RULE AND ITS WITHDRAWAL*

It must be recognized that the Congress Ministries were confronted by inherent difficulties in the work of administration which had taxed, and not infrequently defeated, the best efforts and the accumulated experience of their predecessors. They had also peculiar difficulties of their own. They had never held office before and hitherto had devoted to agitation time and talents that would have been better bestowed on something more positive. They had made extravagant promises which they could never hope to redeem. And—an even more serious handicap—they were dominated by the central caucus of their party, which had not much regard for the needs and desires of the constituencies to which it did not recognize any responsibility. To this last cause was due a grave tactical blunder at the outset. There can be little doubt that immediately after the elections opinion among the supporters of the Congress in the provinces was for the most part strongly in favour of accepting office and 'working the constitution'. Acting, however, on the *diktat* of the Congress Working Committee, they made a concerted demand on the provincial governors for an undertaking in restraint of the exercise of the special powers conferred upon them, in certain contingencies, by the Government of India Act. It was obvious that no governor could lawfully contract himself out of statutory provisions which gave him no power of dispensation. The demand was, therefore, unconstitutional. To concede it would, moreover, have been a betrayal of interests for the protection of which, in the main, these powers had, in the general settlement, been reserved. Fortunately, better counsels and probably the pressure of provincial opinion, which has generally been sounder in its instinct and more responsive to realities than the central Junta, prevailed and the Congress Ministries assu-

* James Crear, "India and Her Future", *Fortnightly Review*, London, March 1940, pp. 245-255.

med office without the obnoxious stipulation.

It may well be believed that in the Congress Ministries there were able and public-spirited men who had no deliberate desire to deal unfairly with the minorities. But they had little or no control over the petty Congress 'Gauleiters', the subalterns of the party machine, who had no such prudential scruples and all the arrogance of their kind. It is doubtful whether the party headquarters had any effective discipline over these people. However that may be, incidents occurred well calculated to justify members of the minority communities, especially the Muslims, in their always latent suspicions of Congress politics. The result has been to exacerbate the tension between Muslim and Hindu to a pitch which experienced observers declare to be unprecedented.

Then certain demands were put forward. So far as these can be formulated with any cohesion, they require that Great Britain should here and now define precisely the political changes to be effected in India on the conclusion of the war; and—it is not quite clear whether this is an elaboration or an alternative—that a constituent assembly, representing all Indian parties and interests, should at once be summoned, whose decisions should receive legislative sanction forthwith. These demands are evidently not practical politics. It is impossible for His Majesty's Government in Great Britain to bind themselves in detail to any post-war settlement in India as it is to formulate and commit themselves irrevocably to the form and contents of the general post-war settlement. A Machiavellian mind might have accepted the proposed constituent assembly, with the reasonable proviso that its conclusions should require such measure of agreement as is required, for example, for an amendment of the constitution in the United States. It may be confidently predicted that no such conclusions would have been reached. The Federal Chief Justice has pointed out how ill-adapted such a large and unwieldy body is to frame the vast and complex structure of a constitution; moreover, the proposal has excited the most violent opposition of the minorities, especially of the 70 or 80

million Muslims. They oppose it because they fear that the institution of any unrestricted form of majority rule would reduce them to the state of political helots under what they call a 'Hindu Raj'. The Indian States, on their part, are no less apprehensive of a Central Government, in which they should have no part, being armed with federal powers which vitally affect their interests and might even threaten their existence. Under no pressure, from the war or otherwise, could the British Government betray these interests, even if it were clear, as it is not, that it had anything to gain by doing so. The existing safeguards must be in some form or other retained until they can be replaced by the consent of those concerned.

Lord Linlithgow has made strenuous efforts to promote agreement, but, so far, in vain. The response of [the] Congress was to direct the Ministries in all the provinces under its control to resign. The automatic consequence has been that in these provinces the administration has been assumed by the Governors in direct relations with the permanent civil services and the great measure of responsible government set up by the Constitution of 1935 has been suspended. The Muslims have celebrated the departure from power of the Congress Ministries as a Day of Thanksgiving.

The Congress party, as has already been argued, made a serious error in tactics when the Government of India Act was first put into operation. A friend of India will recall with greater satisfaction that wiser counsels prevailed. There is something analogous in the present position and the demands that have been put forward. Nothing irreparable has as yet happened; nothing, indeed, that mutual toleration and practical good-will cannot amend. But the traditional British method of settling communal dissensions are not methods applicable to a general settlement on a national scale. Great Britain cannot impose such a settlement; she can only promote it by mediation. But the limits which necessarily govern any such mediation should be clearly understood. Great Britain can undertake to implement any agreed settlement that does substantial justice, but she cannot undertake, in default of such

a settlement, to impose any scheme of unlimited majority rule on which might be based the dictatorship of a single party. She cannot do so because it would be a plain breach of her engagements and responsibilities and because no plan conceived in defiance of the vital principle of government by consent could bring forth anything but disaster. Democracy is not simply the rule of a majority; respect for the indefeasible rights of minorities and of the individual is equally of its essence.

21

BRITISH PLANS AND LEAGUE REACTIONS

C. R. ATTLEE'S MEMORANDUM ON INDIAN SITUATION

(2 February, 1942)

1. I have read with interest the Memorandum by the Secretary of State for India (W. P. (42) 42) and the telegram from the Viceroy (W. P. (42) 43), but I am unable to accept the conclusion that nothing can or should be done at the present time. This seems to me to result from a dangerous ignoring of the present situation.

2. It is, I think, agreed, as pointed out in the Simon Report, that India has been profoundly affected by the changed relationship between Europeans and Asiatics which began with the defeat of Russia by Japan at the beginning of the century. The hitherto axiomatic acceptance of the innate superiority of the European over the Asiatic sustained a severe blow. The balance of prestige, always so important in the East, changed. The reverses which we and the Americans are sustaining from the Japanese at the present time will continue this process.

3. The gallant resistance of the Chinese for more than four years against the same enemy makes the same way.

4. The fact that we are now accepting Chinese aid in our war against the Axis Powers and are necessarily driven to a belated recognition of China as an equal and of Chinese as fellow fighters for civilisation against barbarism makes the Indian ask why he, too, cannot be master in his own house.

5. Similarly, the success against the Axis of a semi-oriental

people, the Russians, lends weight to the hypothesis that the East in now asserting itself against the long dominance of the West.

6 If the successful outcome of the war is recognised as due to the cooperation of the big four : Britain, the U. S. A , the U. S. S. R. and China, the two Asiatic Powers will claim a powerful voice in the settlement. A Pan-Asiatic movement led by Japan has been recognised as a danger; a Pan-Asiatic bloc of our Allies is a possibility that should not be ignored. Incidentally, American sentiment has always leaned strongly to the idea of Indian freedom.

7. The increasingly large contribution in blood and tears and sweat made by Indians will not be forgotten and will be fully exploited by Indians who have not themselves contributed.

8. The Secretary of State thinks that we may weather the immediate storm by doing nothing; but what of subsequent storms? Such a hand-to-mouth policy is not statesmanship

9. After having tried to assist in dealing with the constitutional problem of India for some five or six years I have no temptation to ignore the complexities of the problem, complexities which are made harder, not easier, by the war, more and not less urgent by the approach of the war to the confines of India.

10. The Viceroy, in paragraph 14 of his telegram, points out that "India and Burma have no natural association with the Empire, from which they are alien by race, history and religion, and for which neither of them has any natural effection, and both are in the Empire because they are conquered countries which have been brought there by force, kept there by our control, and which hitherto it has suited to remain under our protection." This is an astonishing statement to be made by a Viceroy. It sounds more like an extract from an anti-imperialist propaganda speech. If it were true it would form

the greatest possible condemnation of our rule in India and would amply justify the action of every extremist in India. But it is not the whole truth. All India was not the fruits of conquest; large parts of it came under our rule to escape from tyranny and anarchy. The history of at least 150 years has forged close links between India and the United Kingdom.

It is one of the great achievements of our rule in India that, even if they do not entirely carry them out, educated Indians do accept British principles of justice and liberty. We are condemned by Indians not by the measure of Indian ethical conceptions but by our own, which we have taught them to accept.

It is precisely this acceptance by politically conscious Indians of the principles of democracy and liberty which puts us in the position of being able to appeal to them to take part with us in the common struggle; but the success of this appeal and India's response does put upon us the obligation of seeing that we, as far as we may, make them sharers in the things for which we and they are fighting.

I find it quite impossible to accept and act on the crude imperialism of the Viceroy, not only because I think it is wrong, but because I think it is fatally short sighted and suicidal. I should certainly not be prepared to cover up this ugliness with a cloak of pious sentiment about liberty and democracy.

11. While I have little or no faith in the value of "gestures," I do consider that now is the time for an act of statesmanship. To mark time is to lose India.

12. A renewed effort must be made to get the leaders of the Indian political parties to unite It is quite obvious from his telegram that the Viceroy is not the man to do this Indeed, his telegram goes far to explain his past failures. His mental attitude is expressed in paragraph 8 when he talks of regaining lost ground after the war. He is obviously thinking in

terms of making minor concessions while resting on the *status quo.*

There are two practical alternatives :

(*a*) To entrust some person of high standing either already in India or sent out from here with wide powers to negotiate a settlement in India; or

(*b*) To bring representative Indians over here to discuss with us a settlement. The first alternative seems to me preferable, because Indians sent over here would be in the position of delegates bound by their instructions and unable to abate a jot or little of their demands.

I consider that the best chance of getting a settlement would be by the method of private and informal meeting of a very few men.

13. It would be necessary to give to our representative very wide powers both as to the future and as to the present, though I consider that the demands for steps to be taken now are likely to be far less important than demands for the post-war period.

14. There is precedent for such action. Lord Durham saved Canada to the British Empire. We need a man to do in India what Durham did in Canada.

15. There is no virtue in delay or in mere dilatory action. In all probability the time saved will be less than the duration of the war. Delay will only make the problem harder.

16. My conclusion therefore is that a representative with power to negotiate within wide limits should be sent to India now, either as a special envoy, or in replacement of the present Committee should be appointed to draw draw up terms of reference and power.

CRIPPS PROPOSALS

(29 March, 1942)

His Majesty's Government, having considered the anxieties expressed in this country and in India as to the fulfilment of the promises made in regard to the future of India, have decided to lay down in precise and clear terms the steps which they propose shall be taken for the earliest possible realization of self-government in India. The object is the creation of a new Indian Union which shall constitute a Dominion, associated with the United Kingdom and the other Dominions by a common allegiance to the Crown, but equal to them in every respect, in no way subordinate in any aspect of its domestic or external affairs.

His Majesty's Government therefore make the following declaration :

(a) Immediately upon the cessation of hostilities, steps shall be taken to set up in India, in the manner described hereafter, an elected body charged with the task of framing a new Constitution for India.

(b) Provision shall be made, as set out below, for the participation of the Indian States in the constitution-making body.

(c) His Majesty's Government undertake to accept and implement forthwith the Constitution so framed subject only to :

(i) the right of any province of British India that is not prepared to accept the new Constitution to retain its present constitutional position, provision being made for its subsequent accession if it so decides.

With such non-acceding Provinces, should they so desire, His Majesty's Government will be prepared to agree upon a new Constitution, giving them the same full status as the Indian Union, and arrived at by a procedure analogous to

that here laid down.

(ii) the signing of a Treaty which shall be negotiated between His Majesty's Government and the Constitution-making body. This Treaty will cover all necessary matters arising out of the complete transfer of responsibility from British to Indian hands; it will make provision, in accordance with the undertakings given by His Majesty's Government, for the protection of racial and religious minorities; but will not impose any restriction on the power of the Indian Union to decide in the future its relationship to the other Member-States of the British Commonwealth.

Whether or not an Indian State elects to adhere to the Constitution, it will be necessary to negotiate a revision of its Treaty arrangements, so far as this may be required in the new situation.

(d) The constitution-making body shall be composed as follows, unless the leaders of Indian opinion in the principal communities agree upon some other form before the end of hostilities :

Immediately upon the result being known of the provincial elections which will be necessary at the end of hostilities, the entire membership of the Lower House of the Provincial Legislatures shall, as a single electoral college, proceed to the election of the constitution-making body by the system of proportional representation. This new body shall be in number about one-tenth of the number of the electoral college.

Indian States shall be invited to appoint representatives in the same proportion to their total population as in the case of the representatives of British India as a whole, and with the same powers as the British Indian members.

(e) During the critical period which now faces India until the new Constitution can be framed His Majesty's Government must inevitably bear the responsibility for and retain control and direction of the deference of India as part of their world war effort, but the task of organizing to the

full the military, moral and material resources of India must be the responsibility of the Government of India with the cooperation of the peoples of India. His Majesty's Government desire and invite the immediate and effective participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. Thus they will be enabled to give their active and constructive help in the discharge of a task which is vital and essential for the future freedom of India.

REACTIONS OF THE MUSLIM LEAGUE

1*

This Session expresses its heartfelt sympathies with the Indian nationals who had settled down in Java, Burma, Malaya, and Singapore and who have had to lose their all and railed homewards in most tragic circumstances in overcrowded and under-provisioned ships or trailed backwards across forests and mountains foodless and without shelter for weeks on end.

This Session condemns the action of those responsible for the shameful discrimination against Indian nationals in the matter of accommodation, route facilities, food and water and demands of the Government of India to take immediate and effective steps to save the lives of thousands of our helpless and hapless compatriots still in the inhospitable land of Burma by evacuating them at the earliest possible moment and placing at their disposal every available means of transportation and every possible facility.

This Session draws the attention of the Government of India to the inadequate and completely worthless arrangements so far made by it for giving relief and succour to the Indian evacuees who are reaching Chittagong, Imphal and

* Resolution adopted in the meeting of the League Council held at Allahabad on 6 April, 1942.

Madras coastal parts, amongst other places, in several thousands daily, penniless and foodless.

This Sessions calls upon the Provincial and District Muslim League to render every possible assistance to the unfortunate evacuees in their great distress.

II*

The Working Committee of the All India Muslim League have given their most earnest and careful consideration to the announcement made by Mr. Churchill, the British Prime Minister, in the House of Commons on the 11th of March 1942 and the Draft Declaration of the War Cabinet of His Majesty's Government regarding the future of India and also interim proposals during the critical period which now faces India, for the immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country.

The Committee appreciate that the British Prime Minister, in his pronouncement, made it clear that the Draft Declaration embodied only the proposals of His Majesty's Government and not their decision, and that they are subject to agreement between the main elements in India thus maintaining the validity of the declaration of the 8th of August 1940, which had promised to the Musalmans that neither the machinery for the framing of the constitution should be set up nor the constitution itself should be enforced without the approval and consent of Muslim India.

The Working Committee, while expressing their gratification that the possibility of Pakistan is recognised by implication by providing for the establishment of two or more independent Unions in India, regret that the proposals of His Majesty's Government, embodying the fundamentals, are not open to any modification and therefore no alternative

* Resolution passed at the meeting of the League Working Committee held as Allahabad on 11 April 1942.

proposals are invited. In view of the rigidity of the attitude of His Majesty's Government with regard to the fundamentals not being open to any modification the Committee have no alternative but to say that the proposals in their present form are unacceptable to them for reasons given below :

(1) The Musalmans, after twenty-five years of genuine efforts for the reconciliation of the two major communities and the bitter experience of the failure of such efforts, are convinced that it is neither just nor possible, in the interest of peace and happiness of the two peoples, to compel them so as to negative the professed object, for, in the Draft proposals, the right of non-accession has been given to the existing provinces, which have been formed from time to time for administrative convenience and on no logical basis.

The Musalmans cannot be satisfied by such a declaration on a vital question affecting their future destiny and demand a clear and precise pronouncement on the subject. Any attempt to solve the future problem of India by the process of evading the real issues is to court disaster

In the Draft Proposals no procedure has been laid down as to how the verdict of the province is to be obtained in favour of or against accession to the one Union; but in the letter dated the 2nd of April from the Secretary of Sir Stafford Cripps, addressed to the President of the All-India Muslim League, it is stated that "a province should reach the decision whether or not to stand out of the Union by a vote in the Legislative Assembly on a resolution to stand in. If the majority for accession to the Union is less than sixty per cent, the minority will have the right to demand a plebiscite of the adult male population." In this connection it must be emphasised that in the provinces where the Muslims are in a majority, as in the case of the major provinces of Bengal and the Punjab, they are in a minority in the Legislative Assemblies; and in the Assemblies of Sind and the North-West Frontier Province, the total number, namely, sixty and fifty respectively, is so small and the weightage given to the

non Muslims so heavy that it can be easily manipulated and a decision under such conditions cannot be the true criterion of ascertaining the real opinion of the Musalmans of those provinces.

As regards the suggested plebiscite in the provinces in which the Musalmans are in a majority, in the event of the requisite majority not being available in the Legislative Assemblies, the procedure laid down is that reference shall be made to the whole adult population of the provinces and not to the Musalmans alone, which is to deny them the inherent right to self determination.

(4) With regard to the Indian States, it is the considered opinion of the Committee that it is a matter for them to decide whether to join or not to join or form a Union.

(5) With regard to the treaties to be negotiated between the Crown and the Indian Union or Unions, the proposals do not indicate as to what would happen in case of disagreement on the terms between the contracting parties, nor is there any provision made as to what would be the procedure when there is a difference of opinion in negotiating a revision of treaty arrangements with the Indian States in the new situation.

(6) With regard to the interim arrangement, there is no definite proposal except the bare statement that His Majesty's Government desire and invite the effective and immediate participation of the leaders of the principal sections of the Indian people in the counsels of their country, of the Commonwealth and of the United Nations. The Committee are, therefore, unable to express their opinion until a complete picture is available Another reason why the Committee are unable to express their opinion on the interim arrangements for participation in the counsels of the country, is that Sir Stafford Cripps has made it clear that the scheme goes through as a whole or is rejected as a whole and that it would not be possible to retain only the part relating to the immediate arrangements at the centre and discard the

rest of the Draft Scheme, and as the Committee has come to the conclusion that the proposals for the future are unacceptable, it will serve no useful purpose to deal further with the question of the immediate arrangements.

In conclusion the Committee wish to point out that the position of the Muslim League has been and is that unless the principle of Pakistan scheme, as embodied in the Lahore Resolution dated March 1940, which is now the creed of the All India Muslim League, namely :

"The establishment of completely Independent States formed by demarcating geographically contiguous units into regions which shall be so constituted, with such constitute one Indian Union, composed of the two principal nations—Hindus and Muslims—which appears to be the main object of His Majesty's Government as adumberated in the preamble of the Draft Declaration, the creation of more than one Union being relegated only to the realm of remote possibility and is purely illusory.

(1) In the Draft Declaration a constitution-making body has been proposed with the primary object of creating one Indian Union. So far as the Muslim League is concerned, it has finally decided that the only solution of India's constitutional problem is the partition of India into independent zones, and it will, therefore, be unfair to the Musalmans to compel them to enter such a constitution-making body, whose main object is the creation of a new Indian Union. With conditions as they are, it will be not only futile but on the contrary may exacerbate bitterness and animosity amongst the various elements in the country.

Besides, the machinery which has been proposed for the creation of the constitution-making body namely, that it will consist of members elected by the newly elected 'Lower Houses of the eleven provinces, upon the cessation of hostilities, as a single Electoral College by the system of proportional representation, is a fundamental departure from the right of the Musalmans, by means of separate electorates, which is the

only sure way in which true representatives of the Musalmans can be chosen.

The constitution-making body will take decisions by a bare majority on all questions of most vital and paramount character involved in the framing of the constitution, which is a departure from the fundamental principles of justice and contrary to constitutional practice so far followed in the various countries and Dominions; and the Musalmans, by agreeing to this will, instead of exercising their right and judgement as a constituent factor, be at the entire mercy of the constitution-making body, in which they will be a minority of about twenty-five per cent.

(3) The right of non-accession to the Union, as contemplated in the Draft Declaration, has been conceded, presumably, in response to the insistent demands by the Musalmans for the partition of India, but the method and procedure laid down are such territorial readjustments as may be necessary, that the areas in which the Musalmans are numerically in a majority, as in the North-Western and Eastern zones of India shall be grouped together to constitute Independent States as Muslim Free National Homelands in which the consituent units shall be autonomous and sovereign:

"That adequate, effective, and mandatory safeguards shall be specifically provided in the constitution for minorities in the above mentioned units and regions for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them; That in other parts of India where the Musalmans are in a minority adequate, effective and mandatory safeguards shall be specifically provided in the constitution for them and other minorities for the protection of their religious, cultural, economic, political, administrative and other rights and interests in consultation with them".

Unless unequivocally accepted right of the Musalmans to self-determination is conceded by means of a machinery which will reflect the true verdict of Muslim India, it is not possible

for the Muslim League to accept any proposal or scheme regarding the future.

III*

The Working Committee of the All-India Muslim League, having given their deep and anxious consideration to the present political development in the country, deplore the decision arrived at by the All-India Congress Committee on August 8, 1942, to launch an "open rebellion" by resorting to mass civil disobedience movement in pursuance of their objective of establishing Congress Hindu domination in India, which has resulted in lawlessness and considerable destruction of life and property.

It is the considered opinion of the Working Committee that this movement is directed not only to coerce the British Government into handing over power to a Hindu oligarchy and thus disabling themselves from carrying out their moral obligations and pledges given to the Musalmans and other sections of the peoples of India from time to time, but also to force the Musalmans to submit and surrender to the Congress terms and dictation.

Ever since the beginning of the war and even prior to that the sole objective of the Congress policy has been either to cajole or to coerce the British Government into surrendering power to the Congress—a Hindu body with a microscopic following of other communities—in utter suppression of one hundred million of Musalmans, besides millions of other peoples of this vast sub-continent of India. While claiming the right of self-determination for India, which is a mere Congress euphemism for Hindu majority, it has persistently opposed the right of self-determination for the Muslim nation to decide and determine their own destiny.

On May 1, 1942, the All-India Congress Committee, by

* Resolution passed by the Working Committee of the League in its meeting held at Bombay in August, 1942.

their resolution, emphatically repudiated the Muslim League demand for the right of self-determination for Muslims and this closed the door for the settlement of the communal problem, which is a condition precedent to the attainment of the freedom and independence of India. The Congress had also recognised this as an indispensable condition and had there made it a prominent plank in the Congress programme for over twenty years, but by their recent decisions have suddenly thrown it overboard and in its stead substituted the fantastic theory that the solution of the Hindu-Muslim problem can only follow the withdrawal of British power from India.

The negotiations of Sir Stafford Cripps with the Congress broke down not on the issue of independence, but because of the refusal of the British Government to hand over the Muslims and the minorities to the tender mercies of the Congress. Any acquiescence in this on the part of the British would have been strenuously resisted by the ministries, and particularly by the Muslim nation, with memories of tyranny in the Congress-governed Provinces still fresh and vivid in their minds.

Baulked in their effort to cajole Sir Stafford Cripps to agree to the transfer of power to the Congress caucus, they decided upon a slogan—"Quit India'—accompanied with the threat of mass civil disobedience. This slogan is a mere camouflage, and what is really aimed at is the supreme control of the Government of the country by the Congress.

The Musalmans are not a whit less insistent on freedom for the country and the achievement of independence of the people of India, which is the creed of the All-India Muslim League. They are, however, firmly convinced that the constituent elements in the life of the country are out for the establishment of Hindu Raj and to deal a death blow to the Muslim goal of Pakistan.

The Working Committee of the All-India Muslim League note with dissatisfaction the attitude and policy of the British Government towards the national aspirations of one

hundred million of Muslims of India.

While the Congress aims at ignoring and suppressing the Muslim demand, the Working Committee regret that the British Government have been unresponsive to the Muslim League's offer of co-operation. The appeasement of the Congress has been the central pivot of the Government policy, with barren and sterile results and has now culminated in the open defiance of law and order.

Since the commencement of hostilities the Muslim League has been ready and willing, either singly or in cooperation with other parties, to shoulder the responsibility for running the administration and mobilising the resources of the country for the war efforts for the defence of India, if a real share in the power and authority of the Government at the Centre and in the Provinces was conceded within the framework of the present Constitution, and in pursuance of this policy, the Muslim League accepted the underlying principles of the August offer of 1940 of the British Government.

But the Government in implementing the offer, nullified the essential principles of it and so made it impossible for the Muslim League to co-operate with the Government on honourable terms. In spite of the fact that the British Government had spurned the offer of co-operation of the Muslim League still, under the imminent shadow of the Japanese menace, the Muslim League once again reiterated their offer by their resolution of December 27, 1941, in the following words :

"In view of the fact that the entry of Japan in the war on the side of the Axis Powers has brought the danger much closer to India and has forced into greater prominence the question of the defence of India, the Working Committee consider it necessary to reiterate that the Muslim League from the very beginning has expressed its willingness to share the responsibility of the defence of the country, is evident from the stand taken by the President of the All-India Muslim League as far back as November 1939. . . . The Working Committee

once more declare that they are ready and willing as before to shoulder the burden of the defence of the country, singly or in co-operation with other parties on the basis that a real share and responsibility is given in the authority of the Government as the Centre and the Provinces within the framework of the present Constitution, but without prejudice to the major political issues involved in the framing of the future Constitution.

But the British Government completely ignored the offer of the Muslim League.

While the proposals of Sir Stafford Cripps virtually conceded the Congress demands on the right of secession from the British Commonwealth of Nations and forming of a Constituent Assembly with a preponderant Hindu majority for the framing of the post-war constitution, they merely recognised the possibility of establishing Pakistan, supposed to be implicit in the non-accession scheme.

The Working Committee are definitely of the opinion that if the Muslim masses are to be roused to intensify the war effort with all the sacrifices that are involved in it, it is only possible, provided they are assured that it would lead to the realisation of the inspiring goal of Pakistan. The Muslim League, therefore, calls upon the British Government to come forward without any further delay with an unequivocal declaration guaranteeing to the Musalmans the right of self-determination and to pledge themselves that they would abide by the verdict of the plebiscite of Musalmans and give effect to the Pakistan scheme in consonance with the basic principles laid down by the Lahore resolution of the All-India Muslim League passed in March 1940.

Having regard to the oft-repeated declaration of the United Nations to secure and guarantee the freedom and independence of the smaller nations of the world the Working Commitee invite the immediate attention of the United Nations to the demand of one hundred millions of Muslims of India to establish Sovereign States in the zones which are their home-

lands and where they are in a majority.

The Working Committee is fully convinced that Pakistan is the only solution of India's constitutional problem and it is in complete consonance with justice and fairplay to the two great nations—Muslims and Hindus—inhabiting this vast sub-continent; whereas if the Congress demand is accepted it would bring the hundred millions of Musalmans under the yoke of Hindu Raj which must inevitably result either in anarchy and chaos or complete strangulation and annihilation of Muslim India and all that Islam stands for.

The Muslim League, as it has been repeatedly made clear, stands not only for Pakistan and the freedom of Muslims, but also for the freedom and independence of Hindustan and the Hindus.

The Muslim League has been and is ready and willing to consider any proposal and negotiate with any party on a footing of equality for the setting up a provisional Government of India, in order to mobilise the resources of the country for the purpose of the defence of India and the successful prosecution of the war, provided the demands of Muslim India, as indicated above, are conceded unequivocally.

In these circumstances, the Working Committee of the All-India Muslim League, after anxious and careful consideration, call upon the Musalmans to abstain from any participation in the movement initiated by the Congress and to continue to pursue their normal peaceful life.

The Working Committee hope that no attempt shall be made from any quarter to intimidate, coerce, molest or interfere in any manner with the normal life of the Muslims; otherwise the Muslims would be compelled and justified to offer resistance and adopt all such measures as may be necessary for the protection of their life, honour and property."

DISTRUST AND DISUNION*

To any one unacquainted with the mental make-up of Indian nationalism this obdurate refusal of the Congress—apart from its pacifist members—to take any share in the war effort may have seemed rather puzzling. Nobody doubted that a Nazi victory would destroy for an incalculable time all hope of India's freedom. The British Government, on the other hand, had repeatedly promised that India should attain that freedom as soon as possible after the war. In these circumstances and in view of the difficulty of effecting far-reaching constitutional changes in the middle of the war, might not Congress patriots have been content, strained though their patience might already be, to wait just a few years longer, and have done what they could to help in winning the Allied victory which could alone ensure that that quickly coming Indian freedom really came?

The solution of this puzzle is simple. Since the outbreak of the war the distrust, which for more than twenty years had clouded the attitude of Indian nationalists to Britain, had become deeper than it had ever been. The Congress leaders refused to believe that the British promises were sincere. The British Government, they said, did not intend to set India free. An Allied victory would merely enable it to rivet more firmly the chains it did not mean to break. A study of the statements, they declared, in which the promises were made betrayed their insincerity: for in none of them were the promises straightforward and unequivocal; in all of them they were conditional In the 'August Offer,' for example, the enfranchisement of India was made subject to two conditions. First, the new constitution must obtain the assent of the minority communities.

It goes without saying that they [the British Government] could not contemplate transfer of their present responsibilities for the peace and welfare of India to any system of govern-

* From R. Coupland : *The Cripps Mission*, 1942, Ch, II, pp. 18-27.

ment whose authority is directly denied by large and powerful elements in India's national life. Nor could they be parties to the coercion of such elements into submission to such a government.

This passage, said Congress critics, demonstrated by itself the falsity of the whole statement. For it evidently referred in the first instance to the greatest of the minorities, the Moslem community, nearly 90 million strong; and Hindu-Moslem discord, which had been created—so they said—by the British Government and persistently fostered on the principle of *divide et impera*, could never be resolved as long as they remained in India. They would see to it, indeed, that it was not resolved and use it as a permanent excuse for never setting India free. Nor was that, said Congressmen, the only equivocation. The British Government's acquiescence in the framing of the new constitution by Indians was 'subject to the due fulfilment of the obligations which Great Britain's long connexion with India has imposed on her.' Much might be covered by these wide phrases—defence, the protection of the minorities once more or the safeguarding of British commercial interests in India—but presumably the principal reference was to the treaties and engagements which guaranteed the rights of the Indian Princes. There lay a second line of defence on which British imperialism was evidently digging itself in For the Princes—such was the familiar Congress doctrine—were the puppets of the British Government. They had only to be told to cling firmly to those 'moth-eaten' treaties and the enfranchisement of India would be indefinitely postponed.

The promises, therefore, were denounced by Congress as deliberately deceitful. Nor, if they had trusted them, would they have been altogether satisfied. For the freedom offered was in the form of Dominion Status and, since 1921, Congress has demanded *Purna Swaraj*, or complete independence. Mr. Amery's argument that Dominion Status was tantamount to independence made no impression. India, said the Congress spokesmen, would have nothing more to do with Britain. She

did not want to be like Canada. She wanted to be like China.

The depth of this distrust in Congress circles and the bitterness and resentment it had engendered was the first of the two main impressions forced on me by my own experience in India during the winter of 1941-2, I talked at length with many Congressmen, including several of the leaders. Without exception, they treated me in the friendliest manner and answered my questions with the greatest courtesy and patience. But, almost without exception, they seemed to disbelieve what I said. I explained, as best I could, that the full enfranchisement of India at the earliest possible moment was no longer an open question in Britain. Twenty years ago British public opinion had decided once for all to stop arguing about Home Rule for Ireland. Since the outbreak of the war, it had made a similar decision about India. The British people had made up their mind that the process of gradual liberation begun in 1919 and carried far on its course by the Act of 1935 must somehow or other be brought to its conclusion with the least possible delay. Difficulties, risks, vested interests—they must all be overcome or overridden. Could they name any front-rank British statesman, I asked, with the exception of Mr. Churchill—and Mr. Churchill's opinions might have changed since he fought the Government of India Bill in 1935—who was known to withstand this urgent, almost impatient, trend of public opinion? What newspaper of any note opposed it? . . .It was no use. I failed—or so I thought—to alter by a hair's-breadth my hearers' preconceived ideas. One or two of them, it is true, agreed that the British people now felt as I said they felt, but the people, they quickly added, could not have their way. Indian policy was controlled by a reactionary Government, by a narrow-minded 'governing class,' and by the 'City' and the agents of British business in Calcutta and Bombay, all determined to keep their old imperial grip on India.

It was the same with Dominion Status. When I was asked to address a University club at Allahabad and a gathering of

young graduates at Lahore, I chose that subject as one on which I could speak with some academic authority, and I tried on each occasion to explain that the Dominions were independent sovereign states linked with each other and with Britain only by their free association in the British Commonwealth in a common allegiance to the Crown, and that, whatever the original intention of the words may have been, 'freely associated' had been proved by events to imply 'freedom to disassociate.' Thus, in fact, India with Dominion Status *would* be as free as China . . . .My audiences were attentive but unconvinced. What I said might be true of the Dominions, but would it *really* be true of India if she should share their status? Would India *really* be free to break the British connexion altogether if she chose? If so, why did not British statesmen say so?

Distrust of British intentions is, as I have said, an old story, but the war had unfortunately given it a new and sharper edge. Nor, unhappily, was it now confined, as it used to be, to nationalist circles. It is difficult to exaggerate the disquieting effect of one particular incident—Mr. Churchill's statement in September, 1941, that the Atlantic Charter was primarily intended to apply to Europe. The nationalists seized on it, of course, as a clinching proof of British dishonesty. Mr. Churchill's explanation that the authors of the Charter were mainly thinking of the countries which Hitler had invaded and enslaved was contemptuously brushed aside. Mr. Amery's assertion that British policy in India was in full accord with the principles of the Charter was completely ignored. And on this occasion a feeling, if not of distrust, at least of a new and uncomfortable suspicion, began to spread beyond nationalist circles. Moderate-minded Indians, who still valued the British connexion and who had hitherto believed and acquiesced in the policy of the 'gradual realization' of self-government, were shaken, for the moment at any rate, in their faith. One highly intelligent Indian official confessed to me the anxiety and uncertainty which this unfortunate business of the Charter had for the first time implanted in his mind, and I have little doubt that many of his colleagues

felt the same. It seemed to me more than probable, too, that many of the young Indians who were obtaining commissions in the fast-expanding Indian Army were affected by something of the same uneasiness about the future.

If the first major impression which any observer of the Indian scene in the winter of 1941-2 was bound to form was the intensification of Indian distrust of the British Government, the second was the intensification of the old antagonism between the two great Indian communities, the Hindus and the Moslems. Every Indian, whose expressed opinions were not dictated, whatever his inmost thoughts might be, by loyalty to a party creed, told me outright that Hindu Moslem dissension had never been so bitter since the days before the British came to India. And the reason for the recent accentuation of it is plain enough. Hindu-Moslem rivalry has now become a struggle for political power. As long as the continuance of British rule in India, which, whatever its faults, has at least maintained a neutral authority above the warring communities, was unquestioned, the worst manifestation of communal discord was the occasional outbreaks of rioting and bloodshed in the towns. That was bad enough, but there was no constant tension, no general lining-up of forces, no feeling that Hinduism and Islam were at grips. From the moment, however, that the process of transferring power from British to Indian hands began, antagonism stiffened, more especially on the Moslem side; for the Moslems constitute roughly only one-quarter of the population of India, and Indian self-government on the orthodox principle of 'majority rule' means, therefore, Hindu government both at the Centre and in the seven out of eleven Provinces in which the Moslems are in a minority. Now, the new constitution of 1935 has not only freed the Provinces from all but the necessary minimum of control by the Centre; it has made provincial government full and real self-government. Power in every field, including law and order, was now vested in the Ministers responsible only to their legislatures, subject only to the Governor's right to intervene and in the last resort to override his Ministers for certain purposes, the

most important of which was the protection of minorities. Since, in the event, Governors have rarely had occasion to use that overriding authority, provincial self-government has been an unquestionable reality. That is obvious enough to any one who visits the four Provinces in which the new constitution is still operating. Nor do responsible Congressmen deny that the self-government they exercised from 1937 to 1939 in the 'Congress Provinces' was real. The three Congress ex-Premiers I interviewed frankly admitted it. One Congress ex-Minister said that his Province was as fully self-governing as a Province of the Canadian Federation.

But, if this was a satisfactory position for Hindus in the Hindu-majority Provinces, it was the reverse for Moslems, and the effect on them was immediate. The League became for the first time the most powerful force in Moslem politics. Previously little more than an association of politicians, it now embraced the Moslem masses. And, as those two years of Congress rule went by, communal temper grew steadily hotter and more dangerous. There were more and bloodier riots, and the tension was no longer felt only in the towns. It is widely believed—and from what I learned I have little doubt that it is true—that, if the Congress Ministries had lasted much longer, there would have been an outbreak of communal violence on an unprecedented scale.

How fiercely the Moslems resented Congress rule was made unmistakable when the Ministries resigned. Inquiries were conducted by the League and long lists of 'atrocities' committed against Moslems drawn up and published. An impartial investigator would come, I think, to the conclusion that many of those charges were exaggerated or of little serious moment, that many of the incidents complained of were due to irresponsible members of the Congress party, and that the case against the Congress Governments as deliberately pursuing an anti-Moslem policy was certainly not proved. The real grievance, in fact, was not so much that Moslems were harshly or even unfairly treated as that they were excluded from the share of power to which they felt themselves entitled. How-

ever that may be, the indictment of Congress rule was all too easily credited by the Moslem rank and file, and Mr. Jinnah, who had rapidly become the unrivalled leader of the Moslems throughout India, drove the lesson home by declaring on the League's behalf that the end of Congress rule in the Provinces should be solemnly celebrated every year by the observance of a 'Deliverance Day.'

The Moslem reaction to the introduction of unqualified 'majority rule' went farther than that. The very idea of being a 'minority' was now repudiated. The Indian Moslems, said Mr. Jinnah, were not a minor section of an Indian nation. They were themselves a nation, stamped as such by their faith and ways of life and all the primary distinctive attributes of nationhood. And, like other nations, they possessed a national homeland—those areas in north-west and north-east India in which Moslems were in a majority. Thus what had hitherto been only a vague dream, a theme for poets or young visionaries, became suddenly a definite political objective—Pakistan. There is more than one conception of what Pakistan means, but the official definition—Mr. Jinnah himself explained it very lucidly to me—is a Moslem State or States comprising the North-West Frontier Province, the Punjab, and Sind on the one side of India and Bengal on the other. Those Moslem States, with modified boundaries, would share on an equal footing with 'Hindustan' in the coming enfranchisement of India They would constitute a distinct dominion or dominions. There would be no all-India government at all.

The project was instantly condemned by the Hindus. Never would they acquiesce, said Congressmen, in 'the vivisection of Mother India.' Still more vociferous was the Mahasabha, the militant Hindu organization, which has always maintained that all India is Hindustan and belongs to the Hindus. For some time past its leaders have denounced as a vice that very non-communalism which Congress boasts as a virtue. Congress, they say, is an unfaithful servant of Hinduism, and it is one more proof of the existing communal tension that the Mahasabha, which not very long ago had

little weight in Indian politics has been growing fast in membership and influence. Its policy is quite frankly communal. 'Our Moslem countrymen should realize,' says its fiery President, Mr. Savarkar,[1] that even in their own interests they should accept the inevitable,' i. e. their position as a permanent minority in an undivided India; and, to ensure that they should do so, he demands that the Hindus should be armed in the same proportion as the Moslems.

The adoption of Pakistan as the League's objective has tended to stiffen the political deadlock. It was already difficult enough for Mr. Jinnah to co-operate with the Government's war effort, unless Congress did, for it would expose him to the charge—a wholly false charge, as his record shows —of being a poorer Indian patriot than Pandit Nehru and his colleagues. But there was now another difficulty. To join the existing Central Government, associated as it is with a Central legislature, both based on the principle of a united India, would prejudice the future of the Moslem cause. It would seem like a tacit acceptance of a constitutional system which foreshadowed the imposition, not only on seven Provinces, but on India as a whole, of that Hindu majority rule which Pandit Nehru in an unguarded moment had once described as a 'Congress Raj,'[2] a system which flatly negated Pakistan.

So much for the question of co-operation in the war effort; but there is a still graver aspect of the communal quarrel. So bitter has it become that many Indians have begun to think that force alone will settle it. Sooner or later, the grim words, 'civil war,' were spoken by most of those with whom I discussed the communal question. Mr. Gandhi himself has talked of its possibility coolly enough. Many sober-minded men, indeed, are thinking that India may have to tread the Chinese road before she attains a final solution of her major problem, be it union or partition.

1. *Hindu*, December 24, 1941.
2. *The Unity of India* (London, 1941), p. 63.

22

TOWARDS DIVIDE AND QUIT

I

RAJAGOPALACHARI'S FORMULA

(C. Rajagopalachari to M.A. Jinnah, 8 April 1944)

Here is the basis for a settlement which I discussed with Gandhiji in March, 1943, and of which he expressed full approval He then authorised me to signify his approval of these terms should I be able to convince you of their being just and fair to all. As the Government have refused to relax any of the restrictions imposed on him to enable him to discuss or negotiate terms of any settlement, I write this to you on his behalf and hope that this will bring about a final settlement of the most unfortunate impasse we are in. You are aware of the intensity of my desire for a settlement. I was very glad when I found it possible to obtain Gandhiji's approval of these terms. I hope that you will bestow your fullest thought to the justice and fairness of these proposals and help to terminate a condition of affairs which is steadily causing all round deterioration in the country.

Basis for Settlement

Basis for terms of settlement between the Indian National Congress and the All-India Muslim League to which Mahatma Gandhi and Mr. Jinnah agree and which they will endeavour respectively to get the Congress and the League to approve.

(1) Subject to the terms set out below as regards the constitution for Free India, the Muslim League endorses the

Indian demand for independence and will co-operate with the Congress in the formation of a provisional interim Government for the transitional period.

(2) After the termination of the war, a commission shall be appointed for demarcating contiguous districts in the north-west and east of India, wherein the Muslim population is in absolute majority. In the areas thus demarcated, a plebiscite of all the inhabitants held on the basis of adult suffrage or other practicable franchise shall ultimately decide the issue of separation from Hindustan. If the majority decide in favour of forming a sovereign State separate from Hindustan, such decision shall be given effect to, without prejudice to the right of districts on the border to choose to join either State.

(3) It will be open to all parties to advocate their points of view before the plebiscite is held.

(4) In the event of separation, mutual agreements shall be entered into for safeguarding defence, commere and communications and for other essential purposes.

(5) Any transfer of population shall only be on an absolutely voluntary basis.

(6) These terms shall be binding only in case of transfer by Britain of full power and responsibility for the governance of India

II

THE WAVELL PLAN, 1945

(Statement of Secretary of State, Lord Leopold Amery in the House of Commons, June 14, 1945)

1. During the recent visit of Field-Marshal Viscount Wavell to this country His Majesty's Government reviewed with him a number of problems and discussed particularly the present political situation in India.

2. Members will be aware that since the offer by His Majesty's Government to India in March, 1942, there has been no further progress towards the solution of the Indian constitutional problem.

3. As was then stated, the working out of India's new constitutional system is a task which can only be carried through by the Indian peoples themselves.

4. While His Majesty's Government are at all times most anxious to do their utmost to assist the Indians in the working out of a new constitutional settlement, it would be a contradiction in terms to speak of the imposition by this country of self-governing institutions upon an unwilling India. Such a thing is not possible, nor could we accept the responsibility of enforcing such institutions at the very time when we were, by its purpose, withdrawing from all control of British Indian affairs.

5. The main constitutional position remains therefore as it was. The offer of March, 1942, stands in its entirety without change or qualification. His Majesty's Government still hope that the political leaders in India may be able to come to an agreement as to the procedure whereby India's permanent future form of government can be determined.

6. His Majesty's Government are, however, most anxious to make any contribution that is practicable to the breaking of the political deadlock in India. While that deadlock lasts not only political but social and economic progress is being hampered

7. The Indian administration, over-burdened with the great tasks laid upon it by the war against Japan and by the planning for the post-war period, is further strained by the political tension that exists.

8. All that is so urgently required to be done for agricultural and industrial development and for the peasants and workers of India cannot be carried through

unless the whole-hearted co-operation of every community and section of the Indian people is forthcoming.

9. His Majesty's Government have, therefore, considered whether there is something which they could suggest in this interim period, under the existing constitution, pending the formulation by Indians of their future constitutional arrangements, which would enable the main communities and parties to co-operate more closely together and with the British to the benefit of the people of India as a whole.

10. It is not the intention of His Majesty's Government to introduce any change contrary to the wishes of the major Indian communities. But they are willing to make possible some step forward during the interim period if the leaders of the principal Indian parties are prepared to agree to their suggestions and to co-operate in the successful conclusion of the war against Japan as well as in the reconstruction in India which must follow the final victory.

11. To this end they would be prepared to see an important change in the composition of the Viceroy's Executive. This is possible without making any change in the existing statute law except for one amendment to the Ninth Schedule to the Act of 1935. That Schedule contains a provision that not less than three members of the Executive must have had at least ten years' service under the Crown in India. If the proposals I am about to lay before the House meet with acceptance in India, that clause would have to be amended to dispense with that requirement.

12. It is proposed that the Executive Council should be reconstituted and that the Viceroy should in future make his selection for nomination to the Crown for appointment to his Executive from amongst leaders of Indian political life at the Centre and in the provinces, in proportions which would give a balanced representation to the main communities, including equal proportions of Moslems and Caste Hindus.

13. In order to pursue this object, the Viceroy will call

into conference a number of leading Indian politicians who are the heads of the most important parties or who have had recent experience as Prime Ministers of Provinces, together with a few others of special experience and authority. The Viceroy intends to put before this conference the proposal that the Executive Council should be reconstituted as above stated and to invite from the members of the conference a list of names. Out of these he would hope to be able to choose the future members whom he would recommend for appointment by His Majesty to the Viceroy's Council, although the responsibility for the recommendations must, of course, continue to rest with him, and his freedom of choice, therefore, remains unrestricted.

14. The members of his Council who are chosen as a result of this arrangement would, of course, accept the position on the basis that they would whole-heartedly co-operate in supporting and carrying through the war against Japan to its victorious conclusion.

15. The members of the Executive would be Indians with the exception of the Viceroy and the Commander-in Chief, who would retain his position as War Member. This is essential so long as the defence of India remains a British responsibility.

16. Nothing contained in any of these proposals will affect the relations of the Crown with the Indian States through the Viceroy as Crown's Representative.

17. The Viceroy has been authorised by His Majesty's Government to place this proposal before the Indian leaders. His Majesty's Government trust that the leaders of the Indian communities will respond. For the success of such a plan must depend upon its acceptance in India and the degree to which responsible Indian politicians are prepared to cooperate with the object of making it a workable interim arrangement. In the absence of such general acceptance existing arrangements must necessarily continue.

18. If such co-operation can be achieved at the Centre it will no doubt be reflected in the Provinces and so enable responsible Governments to be set up once again in those Provinces where, owing to the withdrawal of the majority party from participation, it became necessary to put into force the powers of the Governors under Section 93 of the Act of 1935. It is to be hoped that in all the Provinces these Governments would be based on the participation of the main parties, thus smoothing up communal differences and allowing Ministers to concentrate upon their very heavy administrative tasks.

19. There is one further change which, if these proposals are accepted, His Majesty's Government suggest should follow.

20. That is, that External Affairs (other than those tribal and frontier matters which fall to be dealt with as part of the defence of India) should be placed in the charge of an Indian Member of the Viceroy's Executive so far as British India is concerned, and fully accredited representatives shall be appointed for the representation of India abroad.

21. By their acceptance of and co-operation in this scheme the Indian leaders will not only be able to make their immediate contribution to the direction of Indian affairs, but it is also to be hoped that their experience of co-operation in government will expedite agreement between them as to the method of working out the new constitutional arrangements.

22. His Majesty's Government consider, after the most careful study of the question, that the plan now suggested gives the utmost progress practicable within the present constitution. None of the changes suggested will in any way prejudice or prejudge the essential form of the future permanent constitution or constitutions for India.

23. His Majesty's Government feel certain that given goodwill and a genuine desire to co-operate on all sides, both British and Indian, these proposals can mark a genuine step forward in the collaboration of the British and Indian peoples towards Indian self-government and can assert the rightful

position, and strengthen the influence, of India in the counsels of the nations.

III

BROADCAST TALK OF LORD WAVELL,

(Delhi, June 14, 1945)

I propose, with the full support of His Majesty's Government, to invite Indian leaders both of Central and Provincial polities to take counsel with me with a view to the formation of a new Executive Council more representative of organised political opinion. The proposed new Council would represent the main communities and would include equal proportions of Caste Hindus and Moslems. It would work, if formed, under the existing constitution. But it would be an entirely Indian Council, except for the Viceroy and the Commander-in-Chief, who would retain his position as War Member.

It is also proposed that the portfolio of External Affairs, which has hitherto been held by the Viceroy, should be placed in charge of an Indian Member of Council, so far as the interests of British India are concerned.

A further step proposed by His Majesty's Government is the appointment of a British High Commissioner in India, as in the Dominions, to represent Great Britain's commercial and other such interests in India.

Such a new Executive Council will, you realise, represent a definite advance on the road to self-government. It will be almost entirely Indian, and the Finance and Home Members will for the first time be Indians, while an Indian will also be charged with the management of India's foreign affairs. Moreover, Members will now be selected by the Governor-General after consultation with political leaders, though their appointment will, of course, be subject to the approval of His Majesty the King-Emperor.

The Council will work within the framework of the present Constitution and there can be no question of the Governor-General agreeing not to exercise his constitutional power of control; but it will of course not be exercised unreasonably.

I should make it clear that the formation of the Interim Government will in no way prejudice the final constitutional settlement.

The main tasks for this new Executive Council would be :

First, to prosecute the war against Japan with the utmost energy till Japan is utterly defeated.

Secondly, to carry on the government of British India, with all the manifold tasks of post-war development in front of it, until a new permanent constitution can be agreed upon and come into force.

Thirdly, to consider, when the Members of the Goverment think it possible, the means by which such agreement can be achieved. The third task is most important. I want to make it quite clear that neither I nor His Majesty's Government have lost sight of the need for a long-term solution, and that the present proposals are intended to make a long-term solution easier.

IV

STATEMENT OF VICEROY LORD WAVELL AT THE SIMLA CONFERENCE

(14 July, 1945)

I must give the Conference an account of what has happened since we adjourned on June 20. As you know, my original intention was that the Conference should agree upon the strength and composition of the Executive Council, and that thereafter Parties should send me lists of names. To these lists I would, if necessary, have added names of my own, and attempted to form on paper an Executive Council which might

be acceptable to His Majesty's Government, myself, and the Conference. I intended to discuss my selections with the leaders, and finally to put them to the Conference.

2 Unfortunately, the Conference was unable to agree about the strength and composition of the Executive Council, and on the 29th June I undertook with the approval of the Conference, to endeavour to produce a solution not based on any formula agreed in advance. I asked the parties to let me have lists of names and said I would do what I could to produce a solution acceptable to the leaders and to the Conference.

3. I received lists from all parties represented here except from the European Group, who decided not to send a list, and the Muslim League. I was, however, determined that the Conference should not fail until I had made every possible effort to bring it to a successful ending. I therefore made my provisional selections including certain Muslim League names, and have every reason to believe that if these selections had been acceptable here they would have been acceptable to His Majesty's Government.

4. My selections would, I think, have given a balanced and efficient Executive Council, whose composition would have been reasonably fair to all the parties. I did not find it possible, however, to accept the claims of any party in full. When I explained my solution to Mr. Jinnah he told me that it was not acceptable to the Muslim League, and he was so decided that I felt it would be useless to continue the discussions. In the circumstances I did not show my selections as a whole to Mr. Jinnah, and there was no object in showing them to the other leaders.

5. The Conference has therefore failed. Nobody can regret this more than I do myself. I wish to make it clear that the responsibility for the failure is mine. The main idea underlying the Conference was mine. If it had succeeded, its success would have been attributed to me, and I cannot place the blame for its failure upon any of the parties. I ask the

party leaders to accept this view, and to do all they can to ensure that there are no recriminations. It is of the utmost importance that this effort to secure agreement between the parties and communities should not result in a worsening of communal feeling. I ask all to exercise the greatest possible restraint.

6. I have now to consider the next steps. I must remind you that, whatever happens, the first two of the three tasks mentioned in my broadcast—the prosecution of the war against Japan, and the carrying on of the administration and preparation for post-war development must be performed by the Government of India for the time being in office. It will be my duty to see that these tasks are performed with the greatest energy that I can impose, and I cannot permit any hindrance to them.

7. I propose to take a little time to consider in what way I can best help India after the failure of the Conference. You can all help best by refraining from recriminations. The war against Japan must be carried on, and law and order must be maintained; and until I see my way more clearly than I do now, it may be difficult, perhaps impossible, to suggest any new move. No Government can carry on under the daily prospect of change or dissolution. I have to secure the stability and day-to-day efficiency of my Government, and it would be impossible to enter upon continuous or even frequent political discussions of this kind. Whatever decisions His Majesty's Government may take in the near future must, therefore, in all probability, hold good for some little time.

8. I thank you all for the help you have given me, and for the restraint, patience and understanding which you have shown. Do not any of you be discouraged by this setback. We shall overcome our difficulties in the end. The future greatness of India is not in doubt.

V

BROADCAST BY VICEROY LORD WAVELL

(September 19, 1945)

After my recent discussions with His Majesty's Government in London, they authorised me to make the following announcement :

"As stated in the gracious speech from the Throne at the Opening of Parliament, His Majesty's Government are determined to do their utmost, to promote in conjunction with leaders of Indian opinion the early realisation of full self-government in India. During my visit to London they have discussed with me the steps to be taken".

An announcement has already been made that elections to the Central and Provincial Legislatures, so long postponed owing to the war, are to be held during the coming cold weather. Thereafter, His Majesty's Government earnestly hope the ministerial responsiblity will be accepted by political leaders in all Provinces.

It is the intention of His Majesty's Government to convene as soon as possible a constitution-making body, and as a preliminary step they have authorised me to undertake, immediately after the elections, discussions with representatives of the Legislative Assemblies in the Provinces, to ascertain whether the proposals contained in the 1942 declaration are acceptable, or whether some alternative or modified scheme is preferable. Discussion will also be undertaken with the representatives of the Indian States with a view to ascertaining in what way they can best take their part in the constitution-making body.

His Majesty's Government are proceeding to the consideration of the content of the treaty which will require to be concluded between Great Britain and India.

During these preparatory stages, the government of India

must be carried on, and urgent economic and social problems must be dealt with. Furthermore, India has to play her full part in working out the new World Order. His Majesty's Government have therefore further authorised me, as soon as the results of the Provincial elections are published, to take steps to bring into being an Executive Council which will have the support of the main Indian parties".

That is the end of the announcement which His Majesty's Government have authorised me to make. It means a great deal. It means that His Majesty's Government are determined to go ahead with the task of bringing India to self government at the earliest possible date. They have, as you can well imagine, a great number of most important and urgent problems on their hands; but despite all their preoccupations they have taken time, almost in their first days of office, to give attention to the Indian problem, as one of the first and most important. That fact is a measure of the earnest resolve of His Majesty's Government to help India to achieve early self-government.

The task of making and implementing a new Constitution for India is a complex and difficult one which will require goodwill, co-operation and patience on the part of all concerned. We must first hold elections so that the wiil of the Indian electorate may be known. It is not possible to undertake any major alteration of the franchise system. This would delay matters for at least two years. But we are doing our best to revise the existing electoral rolls efficiently. After the elections I propose to hold discussions with representatives of those elected, and of the Indian States to determine the form which the Constitution-making Body should take, its powers and procedure. The draft declaration of 1942 proposed a method of setting up a Constitution-making Body, but His Majesty's Government recognise that in view of the great issue involved and the delicacy of the minority problems, consultation with the people's representatives is necessary before the form of the Constitution making Body is finally determined.

The above procedure seems to His Majesty's Government and myself the best way open to us to give India the opportunity of deciding her destiny. We are well aware of the difficulties to be overcome, but are determined to overcome them. I can certainly assure you that the Government and all sections of the British people are anxious to help India, which has given us so much help in winning this war. I for my part will do my best, in the service of the people of India to help them to arrive at their goal and I firmly believe that it can be done.

It is now for Indians to show that they have the wisdom, faith and courage to determine in what way they can best reconcile their differences and how their country can be governed by Indians for Indians.

The Constituent Assembly that is to find the constitution for the new India will be elected by the provincial Legislative Assemblies, except for the four members to represent small political units and the 93 to represent the Indian States. The method of election will be that in each Legislative Assembly each part of it, General, Muslim or Sikh, will elect its own representatives by proportional representation with the single transferable vote. This is used for some of the university seats at a British general election and in India for elections to the Legislative Councils by the Legislative Assemblies. It is easy to work for the voter, but may be hard on the tellers who have to deal not only with straight votes but with preferences.

Under this system a voter is given a voting paper with the list of candidates. He has one vote only, but as many preferences as there are vacancies to be filled. He may wish to see A elected, but if A does not need his vote he would choose B; if B too does not want it then first, second, third, etc. choice. When a candidate has as many votes as are required to elect him, he is done with, any more votes for him are scrutinized and given to the second choice; and when the second choice has enough, to the third choice. This continues until the necessary number of candidates have the necessary number of

votes for election. If there are 10 vacancies and the electing House numbers 100,10 votes put a man in. There is no head of the poll; how many give a man their votes is immaterial, provided he gets the number he wants; other's have whatever excess there may be for his name. When there are 45 vacancies to fill, as in the General part in Madras, the tellers will find it tedious work to bring into effect the lowest preferences if, which is unlikely, the voters are patient enough to go so far and the lower ranks of preference should happen to be required in the final adjustment. All elected are equally elected, however they get there; if a man gets in by a number of 45th preferences, he will happily not know it.

To take some examples. Bihar is given on the Constituent Assembly 31 General seats, 5 Muslim. The Legislative Assembly which elects them has 151 members, besides the Speaker—40 Muslims and 111 non-Muslims. The former will elect the 5 Muslims. The latter will elect the 31 General, which means that three votes will put a man in. In Bengal, where Muslim representatives are 33 and General 27, the two sides of the electing body are about equal; the quota required is in the neighbourhood of 45. Thus the four Anglo-Indian members with one helper could make sure of one, the 25 European members could put in five, the 30 Scheduled Caste members six. Minorities in all Assemblies, it may be assumed, will work together to make the most of their small voting strength, unless they decide to look chiefly to the Advisory Committee for the protection of their interests.

VI

ATTLEE'S STATEMENT IN THE HOUSE OF COMMONS

(March 15, 1946)

I find from our friends in this House who had been out to India and returned, from letters received from Indians and from Englishmen in India of all points of view, complete agreement on the fact that India is today in a state of great tension and that this is indeed a critical moment. I am quite

sure that everyone in this House realizes the difficulty of this task which the members of the Mission have undertaken in conjunction with the Viceroy and that no one will desire to say anything whatever that will make that task more difficult.

It is time emphatically for a very definite and clear action. I do not intend to make a long speech. I do not think it would be wise to do so and in particular it would be most unhelpful to review the past. It is so easy to go back over the past, and in accordance with one's predilections to apportion blame for past failures in long-drawn-out discussions on this extraordinarily difficult problem—the problem of development of India into a completely self-governing nation. In the long period of the past, it is so easy to point out and say that at this stage or that stage opportunities were missed by faults on one side or other.

I have had very close connection with this problem for nearly 20 years and I say there have been faults on both sides, but this time, we should look to the future rather than harp back to the past. Thus I would say it is no good applying the formula of the past to the present position. The temperature of 1946 is not the temperature of 1920, 1930 or even 1942. The slogans of earlier days are discarded. Sometimes, words that seemed at that time to Indians to express the height of their aspirations are now set on one side and other words and ideas thrust forward.

Nothing increases the pace and movement of public opinion more than a great war. Everyone who had anything to do with this question in the early days between the war knows what effect the war of 1914-18 had on Indian aspirations and ideas. The tide that runs comparatively slowly in peace becomes vastly accelerated in war time, and especially directly afterwards, because that tide is to some extent banked up during war. I am quite certain that at the present time the tide of nationalism is running very fast in India and indeed all over Asia.

One always has to remember that India is affected by what happens elsewhere in Asia. I remember when I was on the Simon Commission what effect the challenge that had been thrown out by Japan at that time had had on the Asiatic people and the tide of nationalism that at one time seemed to be canalized among a comparatively small portion of the people of India, mainly a few of the educated classes, has tended to spread wider and wider.

I remember that in the Simon Commission report although there were great differences in expression of the nationalistic sentiment between what were called extremist and moderate and although in many instances there might be such stress of communal claims as may seem almost to exclude the conception of nationalism, we found that among Hindus, Muslims, Sikhs and Marhattas, politicians or civil servants—among all of them—that conception of nationalism had been growing stronger and stronger and today I think that the national idea has spread right through, not the least perhaps among some of those soldiers who had done such wonderful service in the war.

I would like today, therefore, not to stress so much the differences between the Indians, but let us all realize that whatever the difficulties and divisions may be there is this underlying demand among all the Indian people

There will be matters undoubtedly on which it is necessary to refer back for Cabinet decision, but in our fluid position at the present time when we desire to get the utmost co-operation and goodwill between all leaders of Indian opinion, it would be unwise to try and tie down those who are going out too rigidly.

The obvious reasons for sending out the Cabinet Ministers is that you send out persons of responsibility who are able to take decisions. Of course, there must be an area in which there may have to be a reference back.

It is worth remembering that twice in 25 years India has

played a great part in the defeat of tyranny. Therefore, is it any wonder that today she claims—a nation of four hundred million people that twice sent her sons to die for freedom—that she should herself have freedom to decide her own destiny?

My colleagues are going to India with the intention of using their utmost endeavours to help her to attain that freedom as speedily and fully as possible. What form of government is to replace the present regime is for India to decide, but our desire is to help her to set up forthwith a machinery for making that decision.

There you have met with the initial difficulty of getting that machinery set up, but we are resolved that a machinery shall be set up and we seek the utmost cooperation of all Indian leaders to do so.

India herself must choose as to what will be her future situation and her position in the world. Unity may come through the United Nations or through the Commonwealth, but no great nation can stand alone by herself without sharing what is happening in the world.

I hope that India may elect to remain within the British Commonwealth I am certain that she will find great advantage in doing so, but if she does she must do it of her own free will, for the British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free people. If, on the other hand, she elects for independence—and in our view she has a right to do so—it will be for us to help make the transition as smooth and easy as possible.

I am well aware that when I speak of India I speak of a country containing congeries of races, religions and languages and I know well the difficulties thereby created, but these difficulties can only be overcome by Indians.

We are mindful of the rights of the minorities and the

minorities should be able to live free from fear. On the other hand, we cannot allow a minority to place their veto on the advance of a majority. We cannot dictate how these difficulties shall be overcome. Our first duty is to get a machinery set up and that is the main purpose of the Ministerial Mission and the Viceroy.

We want to see set up an interim government—one of the purposes of the Bill which has been discussed today—to give the Viceroy greater freedom in order that in the period which is to elapse while a constitution is being worked out, you may have a government enjoying the greatest possible support in India. I would not like to fetter the Viceroy's decision in any way in regard to the choice of portfolios.

In many Indian States, great advance has been made and there is a most interesting experiment in Travancore. Of course, feelings in India with regard to nationalism and unity of India cannot be confined by boundaries that separate the States from the provinces.

I am hoping that statesmen of Britain and of Princely India will be able to work out a solution of the problem of bringing together in one great polity the various constituent parts, and there again we must see that Indian States find their due place. I do not believe for a moment that the Indian Princes would desire to be a bar in the forward march of India.

This is a matter which Indians will settle themselves. I am very well aware of the minority problem in India. I think all Indian leaders are realizing more and more the need for getting a settlement of these minority problems if India is to have a smooth passage in future years and I believe that due provision will be made for them in the constitution.

The Mission will certainly not neglect this point. But you cannot make Indians responsible for governing themselves and at the same time retain over here the responsibility for treatment of minorities and powers of intervention on their behalf.

We are mindful too of the position of the services and of the men who have done great service to India. India should be sensible of the responsibility she has to those who have served her.

Any interim government which takes over the assets of the Government will also take over the liabilities. That again is a point to be dealt with later on. It does not concern the immediate setting up of the Instrument of Decision.

With regard to the treaty, we are not going to hang out for anything for our own advantage which would be to the disadvantage of India.

Let me stress again the crucial nature of the task before us. This problem is of vital importance not only to India and the British Commonwealth and Empire but to the world.

In the mass of Asia, and Asia ravaged by war, we have here the one country that has been seeking to apply the principles of democracy. I have always felt myself that political India might be the light of Asia.

It is a most unfortunate circumstance that just at the time when we have to deal with these great political issues there should be grave economic difficulties. In particular, we have very grave anxiety over India's food supply.

The House knows that the British Government are deeply concerned in this problem and the Minister of Food is now in the United States with the Indian Delegation. We shall do our utmost to help India.

I don ot think I should refer to the social and economic difficulties except to say that I believe that these difficulties can only be solved by Indians themselves because they are so closely bound up with the whole Indian way of life and outlook. Whatever we can do to assest, we shall.

My colleagues are going out to India resolved to succeed and I am sure everyone will wish them god-speed.

VII

CABINET MISSION PLAN

(16 May, 1946)

1. On March 15, just before the despatch of the Cabinet Delegation to India, Mr. Attlee, the British Prime Minister, used these words :

> My colleagues are going to India with the intention of using their utmost endeavours to help her attain her freedom as speedily and fully as possible. What form of Government is to replace the present regime is for India to decide, but our desire is to help her to set up forthwith the machinery for making that decision.
>
> I hope that India and her people may elect to remain within the British Commonwealth. I am certain that they will find great advantages in doing so.
>
> But if she does so elect, it must be by her own free will. The British Commonwealth and Empire is not bound together by chains of external compulsion. It is a free association of free peoples. If, on the other hand, she elects for independence, in our view she has a right to do so. It will be for us to help to make the transition as smooth and easy as possible.

2 Charged in these historic words we—the Cabinet Ministers and the Viceroy—have done our utmost to assist the two main political parties to reach agreement upon the fundamental issue of the unity or division of India. After prolonged discussions in New Delhi we succeeded in bringing the Congress and the Muslim League together in conference at Simla. There was a full exchange of views and both parties were prepared to make considerable concessions in order to try and reach a settlement, but it ultimately proved impossible to close the remainder of the gap between the parties and so no agreement could be concluded. Since no agreement has been reached, we feel that it is our duty to put forward what

we consider are the best arrangements possible to ensure a speedy setting up of the new constitution. This statement is made with the full approval of His Majesty's Government in the United Kingdom.

3. We have accordingly decided that immediate arrangements should be made whereby Indians may decide the future constitution of India and an Interim Government may be set up at once to carry on the administration of British India until such time as a new Constitution can be brought into being. We have endeavoured to be just to the smaller as well as to the larger sections of the people; and to recommend as a solution which will lead to a practicable way of governing the India of the future, and will give a sound basis for defence and a good opportunity for progress in the social, political and economic field.

4. It is not intended in this statement to review the voluminous evidence that has been submitted to the Mission; but it is right that we should state that it has shown an almost universal desire, outside the supporters of the Muslim League, for the unity of India.

5. This consideration did not, however, deter us from examining closely and impartially the possibility of a partition of India; since we were greatly impressed by the very genuine and acute anxiety of the Muslims lest they should find themselves subjected to a perpetual Hindu-majority rule.

This feeling has become so strong and widespread amongst the Muslims that it cannot be allayed by mere paper safeguards. If there is to be internal peace in India, it must be secured by measures which will assure to the Muslims a control in all matters vital to their culture, religion, and economic or other interests.

6. We, therefore, examined in the first instance the question of a separate and fully independent sovereign State of Pakistan as claimed by the Muslim League. Such a Pakistan would comprise two areas; one in the north-west consisting of the

Punjab, Sind, North-West Frontier, and British Baluchistan; the other in the north-east consisting of the Provinces of Bengal and Assam. The League were prepared to consider adjustment of boundaries at a later stage, but insisted that the principle of Pakistan should first be acknowledged.

The argument for a separate State of Pakistan was based, first, upon the right of the Muslim majority, to decide their method of Government according to their wishes, and, secondly, upon the necessity to include substantial areas in which Muslims are in a minority in order to make Pakistan administratively and economically workable.

The size of the non-Muslim minorities in a Pakistan comprising the whole of the six Provinces enumerated above would be very considerable as the following figures show—

North Western Area

	Muslims	Non-Muslims
Punjab	16,217,242	12,201,577
North-West Frontier Province	2,788,797	249,270
Sind	3,208,325	1,326,683
British Baluchistan . .	438,930	62,701
	22,653,294	13,840,231
	62 07%	37.93%

North-Eastern Area—

	Muslims	Non-Muslims
Bengal	33,005,434	27,301,091
Assam	3,442,479	6,762,254
	36,447,913	34,063,345
	51.69%	48.31%

The Muslim minorities in the remainder of British India number some 20 million dispersed amongst a total population of 188 million.

These figures show that the setting up of a separate Sovereign State of Pakistan on the lines claimed by the Muslim League would not solve the communal minority problem;

(All population figures in this statement are from the most recent census taken in 1944.)

We see no justification for including within a sovereign Pakistan those districts of the Punjab and Bengal and Assam in which the population is predominantly non-Muslim. Every argument that can be used in favour of Pakistan can equally in our view be used in favour of the exclusion of the non-Muslim areas from Pakistan. This point would particularly affect the position of the Sikhs.

7. We, therefore, considered whether a smaller sovereign Pakistan confined to the Muslim majority areas alone might be a possible basis of compromise. Such a Pakistan is regarded by the Muslim League as quite impracticable because it would entail the exclusion from Pakistan of (a) the whole of the Ambala and Jullundur Divisions in the Punjab, (b) the whole of Assam except the district of Sylhet; and (c) a large part of Western Bengal, including Calcutta, in which city the Muslims form 23.6 per cent of the population. We ourselves are also convinced that any solution which involves a radical partition of the Punjab and Bengal, as this would do, would be contrary to the wishes and interests of a very large proportion of the inhabitants of these Provinces. Bengal and the Punjab each has its own common language and a long history and tradition. Moreover, any division of the Punjab would of necessity divide the Sikhs leaving substantial bodies of Sikhs on both sides of the boundary. We have, therefore, been forced to the conclusion that neither a larger nor a smaller sovereign State of Pakistan would provide an acceptable solution for the communal problem.

8. Apart from the great force of the foregoing arguments there are weighty administrative, economic and military considerations. The whole of the transportation and postal and telegraph systems of India have been established on the basis of a united India. To disintegrate them would gravely injure both parts of India. The case for a united defence is even stronger. The Indian armed forces have been built up as a whole for the defence of India as a whole, and to break them in two would inflict a deadly blow on the long tradition and high degree of efficiency of the Indian Army and would entail the gravest dangers. The Indian Navy and Indian Air Force would become much less effective. The two sections of the suggested Pakistan contain the two most vulnerable frontiers in India and for a successful defence in depth the area of Pakistan would be insufficient.

9. A further consideration of importance is the greater difficulty which the Indian States would find in associating themselves with a divided British India.

10. Finally, there is the geographical fact that the two halves of the proposed Pakistan State are separated by some seven hundred miles and the communications between them both in war and peace would be dependent on the goodwill of Hindustan.

11. We are, therefore, unable to advise the British Government that the power which at present resides in British hands should be handed over to two entirely separate sovereign States.

12 This decision does not, however, bind us to the very real Muslim apprehensions that their culture and political and social life might become submerged in a purely unitary India, in which the Hindus with their greatly superior numbers must be a dominating element. To meet this, the Congress have put forward a scheme under which Provinces would have full autonomy subject only to a minimum of Central subjects, such as Foreign Affairs, Defence and Communications.

Under this scheme Provinces, if they wished to take part in economic and administrative planning on a large scale, could cede to the Centre optional subjects in addition to the compulsory ones mentioned above.

13. Such a scheme would, in our view, present considerable constitutional disadvantages and anomalies. It would be very difficult to work a Central Executive and Legislature in which some Ministers, who dealt with compulsory subjects, were responsible to the whole of India, while other Ministers, who dealt with optional subjects, would be responsible only to those Provinces which had elected to act together in respect of such subjects. This difficulty would be accentuated in the Central Legislature, where it would be necessary to exclude certain members from speaking and voting when subjects with which their Provinces were not concerned were under discussion.

Apart from the difficulty of working such a scheme, we do not consider that it would be fair to deny to other Provinces, which did not desire to take the optional subjects at the Centre, the right to form themselves into a group for a similar purpose. This would indeed be no more than the exercise of their autonomous powers in a particular way.

14. Before putting forward our recommendation we turn to deal with the relationship of the Indian States to British India. It is quite clear that with the attainment of independence by British India, whether inside or outside the British Commonwealth, the relationship which has hitherto existed between the Rulers of the States and the British Crown will no longer be possible. Paramountcy can neither be retained by the British Crown nor transferred to the new Government.

This fact has been fully recognized by those whom we interviewed from the States. They have at the same time assured us that the States are ready and willing to co-operate in the new development of India. The precise form which their co-operation will take must be a matter for negotiation

during the building up of the new constitutional structure and it by no means follows that if will be identical for all the States. We have not, therefore, dealt with the States in the same detail as the Provinces of British India in the paragraphs which follow.

15. We now indicate the nature of a solution which in our view would be just to the essential claims of all parties, and would at the same time be most likely to bring about a stable and practicable form of constitution for all India.

16 We recommend that the constitution should take the following basic form :

(1) There should be a Union of India, embracing both British India and the States, which should deal with the following subjects :—Foreign Affairs; Defence and Communications; and should have the powers necessary to raise the finances required for the above subjects.

(2) The Union should have an Executive and a Legislature constituted from the British Indian and States representatives. Any question raising a major communal issue in the Legislature should require for its decision a majority of the representatives present and voting of each of the two major communities as well as a majority of all the members present and voting.

(3) All subjects other than the Union subjects and all residuary powers should vest in the Provinces

(4) The States will retain all subjects and powers other than those ceded to the Union.

(5) Provinces should be free to form Groups with executives and legislatures, and each Group could determine the Provident subjects to be taken in common.

(6) The constitutions of the Union and of the Groups should contain a provision whereby any Province could, by a majority vote of its Legislative Assembly, call for a reconsideration of the terms of the constitution after an initial period of 10 years and at 10 yearly intervals thereafter.

16. It is not our object to lay out the details of a constitution on the above lines, but to set in motion the machinery whereby a constitution can be settled by Indians for Indians.

It has been necessary, however, for us to make this recommendation as to the broad basis of the future constitution because it became clear to us in the course of our negotiations that not until that had been done was there any hope of getting the two major communities to join in the setting up of the constitution-making machinery.

17. We now indicate the constitution-making machinery which we propose should be brought into being forthwith in order to enable a new constitution to be worked out.

18. In forming any Assembly to decide a new constitutional structure, the first problem is to obtain as broad-based and accurate a representation of the whole population as is possible. The most satisfactory method obviously would be by election based on adult franchise; but any attempt to introduc-such a step would lead to a wholly unacceptable delay in the formulation of the new Constitution. The only practicable alternative is to utilize the recently elected Provincial Legislative Assemblies as the electing bodies.

There are, however, two factors in their composition which make this difficult. First, the numerical strengths of the Provincial Legislative Assemblies do not bear the same proportion to the total population in each Province. Thus, Assam with a population of 10 millions has a Legislative Assembly of 108 members, while Bengal, with a population six times as large, has an Assembly of only 250. Secondly, owing to the

weightage given to minorities by the Communal Award. the strengths of the several communities in each Provincial Legislative Assembly are not in proportion to their members in the Province. Thus the number of seats reserved for Muslims in the Bengal Legislative Assembly is only 48% of the total, although they form 55% of the Provincial population. After a most consideration of the various methods by which these inequalities might be corrected, we have come to the conclusion that the fairest and most practicable plan would be—

(a) to allot to each Province a total number of seats proportional to its population, roughly in the ratio of one to a million, as the nearest substitute for representation by adult suffrage.

(b) to divide this provincial allocation of seats between the main communities in each Province in proportion to their population.

(c) to provide that the representatives allotted to each community in a Province shall be elected by the members of that community in its Legislative Assembly.

We think that for these purposes it is sufficient to recognise only three main communities in India : General, Muslim and Sikh; the "General" community including all persons who are not Muslims or Sikhs. As the smaller minorities would, upon the population basis, have little or no representation since they would lose the weightage which assures them seats in the Provincial Legislatures, we have made the arrangements set out below to give them a full representation upon all matters of special interest to the minorities.

19. (i) We, therefore, propose that there shall be elected by each Provincial Legislative Assembly the following numbers of representatives, each part of the Legislature (General, Muslim or Sikh) electing its own repre-

sentatives by the method of proportional representation with the single transferable vote :

Table of Representation

SECTION A

Provinces	General	Muslim	Total
1. Madras	45	4	49
2. Bombay	19	2	21
3. United Provinces	47	8	55
4. Bihar	31	5	36
5. Central Provinces	16	1	17
6 Orissa	9	0	9
Total	167	20	187

SECTION B

Provinces	General	Muslim	Sikh	Total
1. Punjab	18	16	4	28
2. N.W.F.P.	0	3	0	3
3. Sind	1	3	0	4
Total	9	22	4	35

SECTION C

Provinces	General	Muslim	Total
1. Bengal	27	33	60
2. Assam	7	3	10
Total	34	36	70

Total for British India	292
Maximum for Indian States	93
Total	385

Note :—In order to represent the Chief Commissioners Provinces there will be added to Section A the Member representing Delhi in the Central Legislative Assembly, the Member representing Ajmer-Merwara in the Central Legislative Assembly, and a representative to be elected by the Coorg Legislative Council. To Section B will be added a representative of British Baluchistan.

(ii) It is the intention that the States should be given in the final Constituent Assembly appropriate representation which would not, on the basis of the calculations adopted for British India, exceed 93, but the method of selection will have to be determined by consultation. The States would in the preliminary stage be represented by a Negotiating Committee.

(iii) The representatives thus chosen shall meet at New Delhi as soon as possible.

(iv) A preliminary meeting will be held at which the general order of business will be decided, a Chairman and other officers elected, and an Advisory Committee (see paragraph 20 below) on the rights of citizens, minorities, and tribal and excluded areas set up. Thereafter, the provincial representatives will divide up into the three sections shown under A, B, and C, in the Table of Representation in sub-paragraph (i) of this paragraph.

(v) These sections shall proceed to settle the Provincial Constitutions for the Provinces included in each section, and shall also decide whether any Group Constitution shall be set up for those Provinces and if so, with what provincial subjects the Group should deal. Provinces shall have the power to opt out of the Groups in accordance with the provisions of sub-clause (viii) below.

(vi) The representatives of the Sections and the Indian

States shall reassemble for the purpose of settling the Union Constitution.

(vii) In the Union Constituent Assembly resolutions varying the provisions of paragraph 15 above or raising any major communal issue shall require a majority of the representatives present and voting of each of the two major communities.

The Chairman of the Assembly shall decide which (if any) of the resolutions raise major communal issues and shall, if so requested by a majority of the representatives of either of the major communities, consult the Federal Court before giving his decision.

(viii) As soon as the new constitutional arrangements have come into operation, it shall be open to any Province to elect to come out of any Group in which it has been placed. Such a decision shall be taken by the new legislature of the Province after the first general election under the new constitution.

20. The Advisory Committee on the rights of citizens, minorities, and tribal and excluded areas should contain full representation of the interests affected, and their function will be to report to the Union Constituent Assembly upon the list of Fundamental Rights, the clauses for the protection of minorities, and a scheme for the administration of the tribal and excluded areas, and to advise whether these rights should be incorporated in the Provincial Group of Union constitution.

21. His Excellency the Viceroy will forthwith request the Provincial Legislatures to proceed with the election of their representatives and the States to set up Negotiating Committee. It is hoped that the process of constitution-making can proceed as rapidly as the complexities of the task permit so that the interim period may be as short as possible.

22. It will be necessary to negotiate a Treaty between the

Union Constituent Assembly and the United Kingdom to provide for certain matters arising out of the transfer of power.

23. While the constitution-making proceeds, the administration of India has to be carried on. We attach the greatest importance therefore to the setting up at once of an interim Government having the support of the major political parties. It is essential during the interim period that there should be the maximum of co-operation in carrying through the difficult tasks that face the Government of India. Beside the heavy task of day-to.day administration, there is the grave danger of famine to be countered; there are decisions to be taken in many matters of post-war development which will have a far-reaching effect on India's future; and there are important international conferences in which India has to be represented.

For all these purposes a Government having popular support is necessary. The Viceroy has already started discussions to this end, and hopes soon to form an Interim Government in which all the portfolios, including that of War Member, will be held by Indian leaders having the full confidence of the people. The British Government, recognizing the significance of the changes in the Government of India, will give the fullest measure of co operation to the Government so formed in the accomplishment of its tasks of administration and in bringing about as rapid and smooth as a transition as possible.

24. To the leaders and people of India who now have the opportunity of complete independence we could finally say this. We and our Government and countrymen hoped that it would be possible for the Indian people themselves to agree upon the method of framing the new constitution under which they will live. Despite the labours which we have shared with the Indian Parties, and the exercise of much patience and goodwill by all, this has not been possible. We, therefore, now lay before you proposals which, after listening to all sides and after much earnest thought, we trust will enable you to attain your independence in the shortest time and with the

least danger of internal disturbance and conflict. These proposals may not, of course, completely satisfy all parties, but you will recognize with us that at this supreme moment in Indian history statesmanship demands mutual accommodation.

We ask you to consider the alternative to acceptance of these proposals. After all the effort which we and the Indian Parties have made together for agreement, we must state that in our view there is small hope of peaceful settlement by agreement of the Indian Parties alone. The alternative would, therefore, be a grave danger of violence, chaos, and civil war. The result and duration of such a disturbance cannot be foreseen; but it is certain that it would be a terrible disaster for many millions of men, women, and children. This is a possibility which must be regarded with equal abhorrence by the Indian people, our own countrymen, and the world as a whole.

We, therefore, lay these proposals before you in the profound hope that they will be accepted and operated by you in the spirit of accommodation and goodwill in which they are offered. We appeal to all who have the future good of India at heart to extend their vision beyond their own community or interest to the interest of the whole four hundred millions of the Indian people.

We hope that the new independent India may choose to be a member of the British Commonwealth. We hope in any event that you will remain in close and friendly association with our people. But there are matters for your own free choice. Whatever that choice may be we look forward with you to your ever-increasing prosperity among the great nations of the world, and to a future even more glorious than your past.

VIII

STATEMENT OF PRIME MINISTER ATTLEE IN THE HOUSE OF COMMONS

(20 February, 1947)

Indian Policy

1. It has long been the policy of successive British Governments to work towards the realisation of self-government in India. In pursuance of this policy, an increasing measure of responsibility has been developed on Indians, and today the civil administration and the Indian Armed Forces rely to a very large extent on Indian civilians and officers. In the constitutional field, the Acts of 1919 and 1935 passed by the British Parliament each represented a substantial transfer of political power. In 1940 the Coalition Government recognised the principle that Indians should themselves frame a new constitution for a fully autonomous India, and in the offer of 1942 they invited them to set up a Constituent Assembly for this purpose as soon as the war was over.

2. His Majesty's Government believe this policy to have been right and in accordance with sound democratic principles. Since they came into office, they have done their utmost to carry it forward to its fulfilment. The declaration of the Prime Minister of 15 March last which met with general approval in Parliament and the country, made it clear that it was for the Indian people themselves to choose their future status and constitution and that in the opinion of His Majesty's Government the time had come for responsibility for the government of India to pass into Indian hands.

3. The Cabinet Mission which was sent to India last year spent over three months in consultation with Indian leaders in order to help them to agree upon a method for determining the future constitution of India, so that the transfer of power might be smoothly and rapidly effected. It was only when it seemed clear, that without some initiative from the Cabinet

Mission, agreement was unlikely to be reached that they put forward proposals themselves.

4. These proposals, made public in May last, envisaged that the future constitution of India should be settled by a Constituent Assembly composed in the manner suggested therein, of representatives of all communities and interests in British India and of the Indian States.

5. Since the return of the Mission, an interim Government has been set up at the Centre composed of the political leaders of the major communities, exercising wide powers within the existing constitution. In all the provinces Indian governments responsible to legislatures are in office.

6. It is with great regret that His Majesty's Government find that there are still differences among Indian parties which are preventing the Constituent Assembly from functioning as it was intended that it should. It is of the essence of the plan that the Assembly should be fully representative.

7. His Majesty's Government desire to hand over their responsibility to authorities established by a constitution approved by all parties in India in accordance with the Cabinet Mission plan. But unfortunately there is at present no clear prospect that such a constitution and such authorities will emerge. The present state of uncertainty is fraught with danger and cannot be indefinitely prolonged. His Majesty's Government wish to make it clear that it is their definite intention to take the necessary steps to effect the transference of power to responsible Indian hands by a date not later than June 1948.

8. This great sub-continent now containing over four hundred million people has for the last century enjoyed peace and security as a part of the British Commonwealth and Empire. Continued peace and security are more than ever necessary today if the full responsibilities of economic development are to be realised and a higher standard of life attained by the Indian people.

9. His Majesty's Government are anxious to hand over their responsibilities to a Government which, resting on the sure foundation of the support of the people, is capable of maintaining peace and administering India with justice and efficiency. It is therefore essential that all parties should sink their differences in order that they may be ready to shoulder the great responsibilities which will come upon them next year.

10. After months of hard work by the Cabinet Mission, a great measure of agreement was obtained as to the method by which a constitution should be worked out. This was embodied in their statements of May last. His Majesty's Government there agreed to recommend to Parliament a constitution worked out in accordance with the proposals made therein by a fully representative Constituent Assembly. But if it should appear that such a constitution will not have been worked out by a fully representative Assembly before the time mentioned in paragraph 7, His Majesty's Government will have to consider to whom the powers of the Central Government in British India should be handed over, on the due date, whether as a whole to some form of Central Government for British India, or in some areas to the existing Provincial Governments, or in such other way as may seem most reasonable and in the best interests of the Indian people.

11. Although the final transfer of authority may not take place until June 1948, preparatory measures must be put in hand in advance. It is important that the efficiency of the civil administration should be maintained and that the defence of India should be fully provided for. But inevitably as the process of transfer proceeds, it will become progressively more difficult to carry out to the letter all the provisions of the Government of India Act, 1935. Legislation will be introduced in due course to give effect to the final transfer of power.

12. In regard to the Indian States, as was explicitly stated by the Cabinet Mission, His Majesty's Government do not

intend to hand over their powers and obligations under paramountcy to any Government of British India. It is not intended to bring paramountcy, as a system, to a conclusion earlier than the date of the final transfer of power, but it is contemplated that for the intervening period the relations of the Crown with individual States may be adjusted by agreement.

13. His Majesty's Government will negotiate agreements in regard to matters arising out of transfer of power with representatives of those to whom they propose to transfer power.

14. His Majesty's Government believe that British commercial and industrial interests in India can look forward to a fair field for their enterprise under the new conditions. The commercial connection between India and the United Kingdom has been long and friendly and will continue to be to their mutual advantage.

15. His Majesty's Government cannot conclude this Statement without expressing on behalf of the people of this country their goodwill and good wishes towards the people of India as they go forward to this final stage in their achievement of self-government. It will be the wish of everyone in these islands that notwithstanding constitutional changes, the association of the British and Indian peoples should not be brought to an end; and they will wish to continue to do all that is in their power to further the well-being of India.

16. The House will wish to know of an announcement which is being made public today. Field-Marshal, the Right Honourable Viscount Wavell was appointed Viceroy in 1943, after having held high military command in the Middle East, South-East Asia and India with notable distinction since the beginning of the War. It was agreed that this should be a war-time appointment. Lord Wavell has discharged this high office during this very difficult period with devotion and a high sense of duty. It has, however, seemed that the opening of a new and final phase in India is an appropriate time to terminate this war appointment. His Majesty has been pleased

to approve, as successor to Lord Wavell, the appointment of Admiral the Viscount Mountbatten, who will be entrusted with the task of transferring to Indian hands responsibility for the government of British India in a matter that will best ensure the future happiness and prosperity of India. The change of office will take place during March. The House will be glad to hear that His Majesty has been pleased to approve the conferment of an Earldom on Viscount Wavell.

IX

THE MOUNTBATTEN PLAN

(3 June, 1947)

Introduction

1. On February 20th, 1947, His Majesty's Government announced their intention of transferring power in British India to Indian hands by June 1948. His Majesty's Government had hoped that it would be possible for the major parties to co-operate in the working out of the Cabinet Mission's Plan of May 16th, 1946, and evolve for India a Constitution acceptable to all concerned. This hope has not been fulfilled.

2. The majority of the respresentatives of the Provinces of Madras, Bombay, the United Provinces, Bihar, Central Provinces and Berar, Assam, Orissa and the North-West Frontier Province, and the representatives of Delhi, Ajmer-Merwara and Coorg have already made progress in the task of evolving a new Constitution. On the other hand, the Muslim League Party, including in it a majority of the representatives of Bengal, the Punjab and Sind as also the representative of British Baluchistan, has decided not to participate in the Constituent Assembly.

3. It has always been the desire of His Majesty's Government that power should be transferred in accordance with the wishes of the Indian people themselves. This task would

have been greatly facilitated if there had been agreement among the Indian political parties. In the absence of such agreement, the task of devising a method by which the wishes of the Indian people can be ascertained has devolved upon His Majesty's Government. After full consultation with political leaders in India, His Majesty's Government have decided to adopt for this purpose the plan set out below. His Majesty's Government wish to make it clear that they have no intention of attempting to frame any ultimate Constitution for India; this is a matter for the Indians themselves. Nor is there anything in this plan to preclude negotiations between communities for a united India.

The Issues to be Decided

4. It is not the intention of His Majesty's Government to interrupt the work of the existing Constitutent Assembly. Now that provision is made for a certain Provinces specified below, His Majesty's Government trust that, as a consequence of this announcement, the Muslim League representatives of those Provinces, a majority of whose representatives are already participating in it, will now take their due share in its labours. At the same time, it is clear that any Constitution framed by this Assembly cannot apply to those parts of the country which are unwilling to accept it. His Majesty's Government are satisfied that the procedure outlined below embodies the best practical method of ascertaining the wishes of the people of such areas on the issue whether their Constitution is to be framed.

(a) in the existing Constituent Assembly; or

(b) in a new and separate Constituent Assembly consisting of the representatives of those areas which decide not to participate in the existing Constituent Assembly.

When this has been done, it will be possible to determine the authority or authorities to whom power should be transferred.

Bengal and the Punjab

5. The Provincial Legislative Assemblies of Bengal and the Punjab (excluding the European members) will, therefore, each be asked to meet in two parts, one representing the Muslim majority districts and the other the rest of the Province For the purpose of determining the population of districts, the 1941 census figures will be taken as authoritative. The Muslim majority districts in these two Provinces are set out in the Appendix to this Announcement.

6 The members of the two parts of each Legislative Assembly sitting separately will be empowered to vote whether or not the Province should be partitioned. If a simple majority of either part decides in favour of partition, division will take place and arrangements will be made accordingly.

7. Before the question as to the partition is decided, it is desirable that the representatives of each part should know in advance which Constituent Assembly the Province as a whole would join in the event of the two parts subsequently deciding to remain united. Therefore, if any member of either Legislative Assembly so demands, there shall be held a meeting of all members of the Legislative Assembly (other than Europeans) at which a decision will be taken on the issue as to which Constituent Assembly the Province as a whole would join if it were decided by the two parts to remain united.

8. In the event of partition being decided upon, each part of the Legislative Assembly will, on behalf of the areas they represent, decide which of the alternatives in paragraph 4 above to adopt.

9. For the immediate purpose of deciding on the issue of partition, the members of the Legislative Assemblies of Bengal and the Punjab will sit in two parts according to Muslim majority districts (as laid down in the Appendix) and non-Muslin majority districts. This is only a preliminary step of a purely temporary nature as it is evident that for the

purposes of a final partition of these Provinces a detailed investigation of boundary questions will be needed; and, as soon as a decision involving partition has been taken for either Province, a Boundary Commission will be set up by the Governor General the membership and terms of reference of which will be settled in consultation with those concerned. It will be instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. It will also be instructed to take into account other factors. Similar instructions will be given to the Bengal Boundary Commission. Until the report of a Boundary Commission has been put into effect, the provisional boundaries indicated in the Appendix will be used.

Sind

10. The Legislative Assembly of Sind (excluding the European members) will at a special meeting also take its own decision on the alternatives in paragraph, 4 above.

North-West Frontier Province

11. The position of the North-West Frontier Province is exceptional. Two of the three representatives of this Province are already participating in the existing Constituent Assembly. But it is clear, in view of its geographical situation, and other considerations, that if the whole or any part of the Punjab decides not to join the existing Constituent Assembly, it will be necessary to give the North-West Frontier Province an opportunity to reconsider its position. Accordingly, in such on event, a refrendum will be made to the electors of the present Legislative Assembly in the North-West Frontier Province to choose which of the alternatives mentioned in paragraph 4 above they wish to adopt. The refrendum will be held under the aegis of the Governor-General and in consultation with the Provincial Government.

British Baluchistan

12. British Baluchistan has elected a member, but he has not taken his seat in the existing Constituent Assembly. In view of its geographical situation, this Province will also be given an opportunity to reconsider its position and to choose which of the alternatives in paragraph 4 above to adopt. His Excellency the Governor-General is examining how this can most appropriately be done.

Assam

13. Though Assam is predominantly a non-Muslim Province, the district of Sylhet which is contiguous to Bengal is predominantly Muslim. There has been a demand that, in the event of the partition of Bengal, Sylhet should be amalgamated with the Muslim part of Bengal. Accordingly, if it is decided that Bengal should be partitioned, a referendum will be held in Sylhet district under the aegis of the Governor General and in consultation with the Assam Provincial Government to decide whether the district of Sylhet should continue to form part of the Assam Province or should be amalgamated with the new Province of Eastern Bengal, if that Province agrees. If the referendum results in favour of amalgamation with Eastern Bengal, a Boundary Commission with terms of reference similar to those for the Punjab and Bengal will be set up to demarcate the Muslim majority areas of Sylhet district and contiguous Muslim majority areas of adjoining districts, which will then be trasferred to Eastern Bengal. The rest of the Assam Province will in any case continue to participate in the proceedings of the existing Constituent Assembly.

Representation in Constituent Assemblies

14. If it is decided that Bengal and the Punjab should be partitioned, it will be necessary to hold fresh elections to choose their representatives on the scale of one for every million of population according to the principle contained in the Cabinet Mission's Plan of May 16th, 1946, Similar elections will also to be held for Sylhet in the event of it being

decided that this district should form part of East Bengal. The number of representatives to which each area would be entitled is as follows.

Provinces	General	Muslims	Sikhs	Total
Sylhet District	1	2	Nil	3
West Bengal	15	4	Nil	19
East Bengal	12	29	Nil	41
West Punjab	3	12	2	17
East Punjab	6	4	2	12

15. In accordance with the mandates given to them, the representatives of the various areas will either join the existing Constituent Assembly or form the new Constituent Assembly.

Administrative Matters

16. Negotiations will have to be initiated as soon as possible on the administrative consequences of any partition that may have been decided upon :

(a) Between the representatives of the respective successor authorities about all subjects now dealt with by the Central Government, including Defence, Finance and Communications.

(b) Between different successor authorities and His Majesty's Government for treaties in regard to matters arising out of the transfer of power.

(c) In the case of Provinces that may be partitioned, as to the administration of all provincial subjects such as the division of assets and liabilities, and police and other services, the High Courts, provincial institutions, etc.

The Tribes of the North-West Frontier

17. Agreements with tribes of the North-West Frontier of India will have to be negotiated by the appropriate succesor authority.

The States

18. His Majesty's Government wish to make it clear that the decisions announced above relate only to British India and that their policy towards Indian States contained in the Cabinet Mission Memorandum of 12th May 1946 remains unchanged.

Necessity for Speed

19. In order that the successor authorities may have time to prepare themselves to take over power, it is important that all the above process should be completed as quickly as possible. To avoid delay, the different Provinces or parts of Provinces will proceed independently as far as practicable within the conditions of this Plan. The existing Constituent Assembly and the new Constituent Assembly (if formed) will proceed to frame Constitutions for their respective territories : they will, of course, be free to frame their own rules.

Immediate Transfer of Power

20. The major political parties have repeatedly emphasized their desire that there should be the earliest possible transfer of power in India. With this desire His Majesty's Government are in full sympathy, and they are willing to anticipate the date of June, 1948, for the handing over of power by the setting up of an independent Indian Government or Governments at an even earlier date. Accordingly, as the most expeditious, and indeed the only practicable way of meeting this desire, His Majesty's Government propose to introduce legislation during the current session for the transfer of power this year on a Dominion Status basis to one or two successor authorities according to the decisions taken as a

result of this announcement. This will be without prejudice to the right of the Indian Constituent Assemblies to decide in due course whether or not the part of India in respect of which they have authority will remain within the British Commonwealth.

Further Announcement by Governor-General

21. His Excellency the Governor-General will from time to time make such further announcements as may be necessary in regard to procedure or any other matters for carrying out the above arrangements.

APPENDIX

The Muslim majority districts of Punjab and Bengal accoring to 1941 census.

1. The Punjab

   Lahore Division—Gujranwala, Gurdaspur, Lahore, Sheikhupura, Sialkot.

   Rawalpindi Division—Attock, Gujrat, Jhelum, Mianwala, Rawalpindi, Shahpur.

   Multan Division—Dera Ghazi Khan, Jhang, Lyallpur, Montgomery, Multan, Muzaffargarh.

2. Bengal.

   Chittagong Division—Chittagong, Noakhali, Tippera. Dacca Division—Bakerganj, Dacca, Faridpur, Mymensingh.

   Presidency Division—Jessore, Murshidabad, Nadia. Rajshahi Division—Bogra, Dinajpur, Malda, Pabna Rajshahi, Rangpur.

The Viceroy's House,
New Delhi

3rd June, 1947.

X

JINNAH'S REACTION*

I am glad that I am afforded aa opportunity to speak to you directly through this radio from Delhi. It is the first time, I believe, that a non-official has been afforded an opportunity to address the people through the medium of this powerful instrument direct to the people on political matters. It augurs well and I hope that in the future I shall have greater facilities to enable me to voice my views and opinions which will reach you directly.

The statement of His Majesty's Government embodying the plan for the transfer of power to the peoples of India has already been broadcast and will be released to the press to be published in India and abroad tomorrow morning. It gives the outlines of the plan for us to give it our most earnest consideration. We must remember that we have to take momentous decisions and handle grave issues facing us in the solution of the complex political problem of this great subcontinent inhabited by 400 million people. The world has no parallel for the most onerous and difficult task which we have to perform.

Grave responsibility lies particularly on the shoulders of Indian leaders. Therefore, we must galvanize and concentrate all our energy to see that the transfer of power is effected in a peaceful and orderly manner. I most earnestly appeal to every community and particularly to Muslim India to maintain peace and order. We must examine the plan, in its letter and in its spirit and come to our conclusions and take our decisions. I pray to God that at this critical moment, He may guide us and enable us to discharge our responsibilities in a wise and statesmanlike manner.

It is clear that the plan does not meet in some important

* Broadcast from the All-India Radio, Delhi, on 3 June, 1947.

respects our point of view and we cannot say or feel that we are satisfied or that we agree with some of the matters dealt with by the plan. It is for us now to consider whether the plan as presented to us by His Majesty's Government should be accepted by us as a compromise or a settlement. On his point, I do not wish to prejudge the decision of the Council of the All-India Muslim League, which has been summoned to meet on Monday, June 9; and the final decision can only be taken by the Council according to our constitution, precedents and practice. But so far as I have been able to gather on the whole, reaction in the Muslim League circles in Delhi has been hopeful. Of course the plan has got to be very carefully examined in its pros and cons before the final decision can be taken.

I must say that I feel that the Viceroy has battled against various forces very bravely and the impression that he has left on my mind is that he was actuated by a high sense of fairness and impartiality, and it is upto us now to make his task less difficult and help him as far as it lies in our power in order that he may fulfil his mission of transfer of power to the people of India, in a peaceful and orderly manner.

Now the plan that has been broadcast already makes it clear in paragraph II that a referendum will be made to the electorates of the present Legislative Assembly in the North-West Frontier Province who will choose which of the two alternatives in paragraph four they wish to adopt; and the referendum will be held under the aegis of the Governor-General in consultation with the provincial government. Hence, it is clear that the verdict and the mandate of the people of the Frontier Province will be obtained as to whether they want to join Pakistan Constituent Assembly or the Hindustan Constituent Assembly. In these circumstances, I request the Provincial Muslim League of the Frontier Province to withdraw the movement of peaceful civil disobedience which they had perforce to resort to; and I call upon all the leaders of the Muslim League and Mussalmans generally to organise our people to face this referendum with hope and courage,

and I feel confident that the people of the Frontier will give their verdict by a solid vote to join the Pakistan Constituent Assembly.

I cannot but express my appreciation of the sufferings and sacrifices made by all the classes of Mussalmans and particularly the great part the women of the Frontier played in the fight for our civil liberties. Without apportioning blame, and this is hardly the moment to do so, I deeply sympathise with all those who have suffered and those who died or whose properties were subjected to destruction and I fervently hope that Frontier will go through this referendum in a peaceful manner and it should be the anxiety of everyone to obtain a fair, free and true verdict of the people of the Frontier. Once more I most earnestly appeal to all to maintain peace and order.

Pakistan Zindabad.

XI

OFFICAL ANNOUNCEMENT FROM THE REFORMS COMMISSION'S OFFICE

(30 June, 1947)

"Whereas in accordance with the provisions of paragraph 5 to 8 of the Statement by His Majesty's Government dated June 3, 1947, it has been decided that the Provinces of Bengal and the Punjab shall be partitioned :

"Now, therefore, in pursuance of Paragraph 21 of the Statement, His Excellency the Governor-General is pleased to make the following announcement with reference to Paragraphs 12 and 13 thereof :

(1) There shall be two Boundary Commissions, one for Bengal and the other for the Punjab, consisting of the following :

For Bengal

Chairman : To be appointed later.

Members : Mr. Justice Bijan Kumar Mukerjea, Mr. Justice C. C. Biswas, Mr. Justice Abu Saleh Mohd. Akram and Mr. S. A. Rahman.

For the Punjab

Chairman : To be appointed later.

Members : Mr. Justice Din Mohammad, Mr. Justice Mohd. Munir, Mr. Justice Mehr Chand Mahajan and Mr. Justice Teja Singh.

(Note : It is intended to appoint the same man as Chairman of both the Boundary Commissions).

(2) The two Boundary Commissions shall be summoned to meet as early as possible by the Governors of the respective provinces, and shall submit their reports at the earliest possible date.

(3) The terms of reference for the two commissions shall be as follows.

For Bengal

The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors.

In the event of the referendum in the district of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim Majority areas of the adjoining districts of Assam.

For the Punjab

The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so it will also take into account other factors.

XII

JINNAH'S INAUGURAL ADDRESS TO THE CONSTITUENT ASSEMBLY OF PAKISTAN

(11 August, 1947)

Mr. President, Ladies and Gentlemen,

I cordially thank you, with the utmost sincerity, for the honour you have conferred upon me—the greatest honour that is possible for this Sovereign Assembly to confer—by electing me as your first President. I also thank those leaders who have spoken in appreciation of my services and their personal references to me. I sincerely hope that with your support and your cooperation we shall make this Constituent Assembly an example to the world. The Constituent Assembly has got two main functions to perform. The first is the very onerous and responsible task of framing our future Constitution of Pakistan and the second of functioning as a full and complete Sovereign body as the Federal Legislature of Pakistan. We have to do the best we can in adopting a provisional constitution for the Federal Legislature of Pakistan. You know really that not only we ourselves are wondering but, I think, the whole world is wondering at this unprecendented cyclonic revolution which has brought about the plan of creating and establishing two independent Sovereign Dominions in this sub-continent. As it is, it has been unprecendented; there is no parallel in the history of the world. This mighty sub-continent with all kinds of inhabitants has been brought under a plan which is titanic, unknown, unparalleled. And what is very important with regard to it

is that we have achieved it peacefully and by means of an evolution of the greatest possible character.

Dealing with our first function in this Assembly, I cannot make any well-considered pronouncement at this moment, but I shall say a few things as they occur to me. The first and the foremost thing that I would like to emphasise is this: remember that you are now a Sovereign Legislative body and you have got all the powers. It, therefore, places on you the gravest responsibility as to how you should take your decisions. The first observation that I would like to make is this: You will no doubt agree with me that the first duty of a Government is to maintain law and order, so that the life, property and religious beliefs, of its subjects are fully protected by the State.

The second thing that occurs to me is this : One of the biggest curses from which India is suffering—I do not say that other countries are free from it, but, I think, our condition is much worse—is bribery and corruption. That really is a poison. We must put that down with an iron hand and I hope that you will take adequate measures as soon as it is possible for this Assembly to do so.

Black-marketing is another curse. Well, I know that black-marketeers are frequently caught and punished. Judicial sentences are passed or sometimes fines only are imposed. Now you have to tackle this monster which today is a colossal crime against society, in our distressed conditions, when we constantly face shortage of food and other essential commodities of life. A citizen who does black-marketting commits, I think, a greater crime than the biggest and most grievous of crimes. These black-marketeers are really knowing, intelligent and ordinarily responsible people, and when they indulge in black-marketing, I think they ought to be very severely punished, because they undermine the entire system of control and regulation of food-stuffs and essential commodities, and cause wholesale starvation and want and even death.

The next thing that strikes me is this : Here again it is a legacy which has been passed on to us. Along with many other things, good and bad, has arrived this great evil—the evil of nepotism and jobbery. This evil must be crushed relentlessly. I want to make it quite clear that I shall never tolerate any kind of jobbery, nepotism or any influence directly or indirectly brought to bear upon me. Wherever I will find that such a practice is in vogue, or is continuing anywhere, low or high, I shall certainly not countenance it.

I know there are people who do not quite agree with the division of India and the partition of the Punjab and Bengal. Much has been said against it, but now that it has been accepted, it is the duty of everyone of us to loyally abide by it and honourably act according to the agreement which is now final and binding on all. But you must remember as I have said, that this mighty revolution that has taken place is unprecedented. One can quite understand the feeling that exists between the two communities wherever one community is in majority and the other is in minority. But the question is, whether, it was possible or practicable to act otherwise than what has been done. A division had to take place. On both sides, in Hindustan and Pakistan, there are sections of people who may not agree with it, who may not like it, but in my judgement there was no other solution and I am sure future history will give its verdict in favour of it. And what is more, it will be proved by actual experience as we go on that that was the only solution of India's constitutional problem. Any idea of a United India could never have worked and in my judgement it would have led us to terrific disaster. May be that view is correct; may be it is not; that remains to be seen. All the same, in this division it was impossible to avoid the question of minorities being in one Dominion or the other. Now that was unavoidable. There is no other solution. Now what shall we do? Now, if we want to make this great State of Pakistan happy and prosperous, we should wholly and solely concentrate on the well-being of the people, and especially of the masses and the poor. If you will work in co-operation, forgetting the past, burying the

hatchet you are bound to succeed. If you change your past and work together in a spirit that everyone of you, no matter to what community he belongs, no matter what relations he had with you in the past, no matter what is his colour, caste or creed, is first second and last a citizen of this State with equal rights, priviliges and obligations, there will be no end to the progress you will make.

I cannot emphasise it too much. We should begin to work in that spirit and in course of time all these angularities of the majority and minority communities, the Hindu community and the Muslim community—because even as regards Muslims you have Pathans, Punjabis, Shias, Sunnis and so on and among the Hindus you have Brahmins, Vashnavas, Khatris, also Bengalees, Madrasis, and so on—will vanish. Indeed if you ask me this has been the biggest hindrance in the way of India to attain the freedom and independence, and but for this we would have been free peoples long ago. No power can hold another nation, and specially a nation of 400 million souls in subjection; nobody could have conquered you, and even if it had happened, nobody could have continued its hold on you for any length of time but for this. Therefore, we must learn a lesson from this. You are free; you are free to go to your temples, you are free to go to your mosques or to any other places of worship in this State of Pakistan. You may belong to any religion or caste or creed—that has nothing to do with the business of the State. As you know, history shows that in England conditions, some time ago, were much worse than those prevailing in India today. The Roman Catholics and the Protestants persecuted each other. Even now there are some States in existence where there are discriminations made and bars imposed against a particular class. Thank God, we are not starting in those days. We are starting in the days when there is no discrimination, no distinction between one community and another, no discrimination between one caste or creed and another. We are starting with this fundamental principle that we are all citizens and equal citizens of one State. The people of England in course of time had to face the realities

of the situation and had to discharge the responsibilities and burdens placed upon them by the government of their country and they went through that fire step by step. Today, you might say with justice that Roman Catholics and Protestants do not exist; what exists now is that everyman is a citizen, an equal citizen of Great Britain and they are all members of the Nation.

Now, I think we should keep that in front of us as our ideal and you will find that in course of time Hindus would cease to be Hindus and Muslims would cease to be Muslims, not in the religious sense, because that is the personal faith of each individual, but in the political sense as citizens of the State.

Well, gentlemen, I do not wish to take up any more of your time and thank you again for the honour you have done to me. I shall always be guided by the principles of justice and fairplay without any, as is put in the political language, prejudice or ill-will, in other words, partiality or favouritism. My guiding principle will be justice and complete impartiality, and I am sure that with your support and co-operation, I can look forward to Pakistan becoming one of the greatest Nations of the world.

I have received a message from the United States of America addressed to me. It reads :

"I have the honour to communicate to you, in your Excellency's capacity as President of the Constituent Assembly of Pakistan."

The following message which I have just received from the Secretary of State of the United States :

"On the occasion of the first meeting of the Constituent Assembly for Pakistan, I extend to you and to members of the Assembly, the best wishes of the Government and the people of the United States for the successful conclusion of the great work you are about to undertake."

XIII

THE RADCLIFFE AWARD*

To

His Excellency the Governor-General.

1. I have the honour to present the decision and award of the Punjab Boundary Commission which, by virtue of section 4 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission.

2. The Punjab Boundary Commission was constituted by the announcement of the Governor-General, dated the 30th of June 1947, Reference No. D-50/7/47-R. The members of the Commission thereby appointed were :

Mr. Justice Din Muhammad,
Mr. Justice Muhammad Munir,
Mr. Justice Mehr Chand Mahajan, and
Mr. Justice Teja Singh.

I was subsequently appointed Chairman of this Commission.

3. The terms of reference of the Commission, as set out in the announcement were as follows :

> "The Boundary Commission is instructed to demarcate the boundaries of the two parts of the Punjab on the basis of ascertaining the contiguous majority areas of Muslims and non Muslims. In doing so it will also take into account other factors".

* Report submitted by the Chairman of the two Boundary Commissions appointed under the Indian Independence Act to demarcate the boundaries of the two parts of the Punjab and Bengal and, after the referendum, of Sylhet District and the adjoining district of Assam.

We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memorandum and representations by interested parties. Numerous memoranda and representations were received.

5. The public sittings of the Commission took place at Lahore, and extended from Monday the 21st of July 1947, to Thursday the 31st of July 1947, inclusive, with the exception of Sunday, the 27th of July. The main arguments, were conducted by counsel on behalf of the Indian National Congress, the Muslim League, and the Sikh members of the Punjab Legislative Assembly : but a number of other interested parties appeared and argued before the Commission. In view of the fact that I was acting also as Chairman of the Bengal Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Punjab Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and of all material submitted for our consideration.

6. After the close of the public sittings, the Commission adjourned to Simla where I joined my colleagues, and we entered upon discussions in the hope of being able to present an agreed decision as to the demarcation of the boundaries. I am greatly indebted to my colleagues for indispensable assistance in the clarification of the issues and the marshalling of the arguments for different views, but it became evident in the course of our discussions that the divergence of opinion between my colleagues was so wide that an agreed solution of the boundary problem was not to be obtained. I do not intend to convey by this that there were not large areas of the Punjab on the west and on the east respectively which provoked no controversy as to which State they should be assigned to; but when it came to the extensive but disputed areas in which the boundary must be drawn, differences of opinion as to the significance of the term "other factors",

which we were directed by our terms of reference to take into account, and as to the weight and value to be attached to those factors, made it impossible to arrive at any agreed line. In those circumstances my colleagues, at the close of our discussions, assented to the conclusion that I must proceed to give my own decision.

7. This I now proceed to do. The demarcation of the boundary line is described in detail in the schedule which farms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

8. Certain representations were addressed to the Commission on behalf of the States of Bikaner and Bahawalpur, both of which States were interested in canals whose headworks were situated in the Punjab Province. I have taken the view that an interest of this sort cannot weigh directly in the question before us as to the division of the Punjab between the Indian Union and Pakistan since the territorial division of the province does not affect rights of private property, and I think that I am entitled to assume with confidence that any agreements that either of those States has made with the Provincial Government as to the sharing of water from these canals or otherwise will be respected by whatever Government hereafter assumes jurisdiction over the headworks concerned, I wish also to make it plain that no decision that is made by this Commission is intended to affect whatever territorial claim the State of Bahawalpur may have in respect of a number of villages lying between Sulemanke Weir and Gurka Ferry.

9. The task of delimiting a boundary in the Punjab is a difficult one. The claims of the respective parties ranged over a wide field of territory, but in my judgement the truly debatable ground in the end proved to lie in and around the area

between the Beas and Sutlej rivers on the one hand, and the river Ravi on the other. The fixing of a boundary in this area was further complicated by the existence of canal systems, so vital to the life of the Punjab but developed only under the conception of a single administration, and of systems of road rail communication, which have been planned in the same way. There was also the stubborn geographical fact of the respective situations of Lahore and Amritsar, and the claims to each or both of those cities which each side vigorously maintained. After weighing to the best of my ability such other factors as appeared to me relevant as affecting the fundamental basis of contiguous majority areas, I have come to the decision set out in the Schedule which thus becomes the award of the Commission. I am conscious that there are legitimate criticisms to be made of it : as there are, I think, of any other line that might be chosen.

10. I have hesitated long over those not inconsiderable areas east of the Sutlej River and in the angle of the Beas and Sutlej Rivers in which Muslim majorities are found. But on the whole I have come to the conclusion that it would be in the true interests of neither State to extend the territories of the west Punjab to a strip on the far side of the Sutlej and that there are factors such as the disruption of railway communications and water systems that ought, in this instance, to displace the primary claim of contiguous majorities. But I must call attention to the fact that the Dipalpur Canal, which serves areas in the West Punjab, takes off from the Ferozepore headworks and I find it difficult to envisage a satisfactory demarcation of boundary at this point that is not accompanied by some arrangement for joint control of the intake of the different canals dependent on these headworks.

11. I have not found it possible to preserve undivided the irrigation system of the Upper Bari Doab Canal, which extends from Madhopur in the Pathankot Tahsil to the western border of the district of Lahore, although I have made small adjustments of the Lahore-Amritsar district boundary to mitigate some of the consequences of this severance;

nor can I see any means of preserving under one territorial jurisdiction the Mandi Hydro-electric Scheme which supplies power in the districts of Kangra, Gurdaspur, Amritsar, Lahore Jullundur, Ludhiana, Ferozepore, Sheikhupura, and Lyallpur. I think it only right to express the hope that where the drawing of a boundary line cannot avoid disrupting such unitary services as canal irrigation railways, and electric power transmission, a solution may be found by agreement between the two States for some joint control of what has hitherto been a valuable common service.

12. I am conscious too that the award connot go far towards satisfying sentiments and aspirations deeply held on either side but directly in conflict as to their bearing on the placing of the boundary. If means are to be found to gratify to the full those sentiments and aspirations, I think that they must be found in political arrangements with which I am not concerned, and not in the decision of a boundary line drawn under the terms of reference of this Commission.

(Signed) CYRIL RADCLIFFE

New Delhi, 12th August 1947.

THE SCHEDULE

See Annexures A and B attached.

ANNEXURE A

1. The boundary between the East and West Punjab shall commence on the north at the point where the west branch of the Ujh river enters the Punjab Province from the State of Kashmir. The boundary shall follow the line of that river down the western boundary of the Pathankot Tahsil to the point where the Pathankot, Shakargarh and Gurdaspur tahsils meet. The tahsil boundary and not the actual course of the Ujh river shall constitute the boundary between the East and West Punjab.

2. From the point of meeting of the three tahsils above

mentioned, the boundary between the East and West Punjab shall follow the line of the Ujh river to its junction with the river Ravi and thereafter the line of the river Ravi along the boundary between the tahsils of Gurdaspur and Shakargarh, the boundary between the tahsils of Batala and Shakargarh, the boundary between the tahsils of Batala and Norowal, the boundary between the tahsils of Ajnala and Norowal, and the boundary between the tahsils of Anjala and Shadara, to the point on the river Ravi where the district of Amritsar is divided from the district of Lahore. The tahsil boundaries referred to, and not the actual course of the river Ujh or the river Ravi shall constitute the boundary betweeen the East and West Punjab.

3. From the point on the river Ravi where the district of Amritsar is divived from the district of Lahore, the boundary between the East and West Punjab shall turn southwards following the boundary between the tahsils of Ajnala and Lahore and then the tahsils of Tarn Taran and Lahore, to the point where the tahsils of Kasur, Lahore and Tarn Taran meet. The line will then turn south-westward along the boundary between the tahsils of Lahore and Kasur to the point where that boundary meets the north-east corner of village. Then Jharolian. It will then run along the eastern boundary of that village to its junction with village Chathianwala turn along the northern boundary of that village, and then run down its eastern boundary to its junction with village Waigal. It will then run along the eastern boundary of village Waigal to its junction with village Kalia, and then along the southern boundary of village Waigal to its junction with village Panhuwan. The line will then run down the eastern boundary of village Panhuwan to its junction with village Gaddoke. The line will then run down the eastern border of village Gaddoke to its junction with village Nurwala. It will then turn along the southern boundary of village Gaddoke to its junction with village Katluni Kalan. The line will then run down the eastern boundary of village Katluni Kalan to its junction with villages Kals and Mastgarh. It will then run

along the southern boundary of village Katluni Kalan to the north-west corner of village Kals. It will then run along the western and southern boundaries of village Khem Karan to its junction with village Maewala. It will then run down the western and southern boundaries of village Maewala, proceeding eastward along the boundaries between village Mahaidepur on the north and villages Sheikhupura Kuhna, Kamalpuran, Fatehwala and Mahewala. This line will then turn northward along the western boundary of village Sahra to its junction with villages Mahaidepur and Machhike. It will then turn north-eastward along the boundaries between villages Machhike and Sahjra and then proceed along the boundary between villages Rattoke and Sahjra to the junction between villages Rattoke, Sahjra and Mabbuke. The line will then run north-east between the villages Rattoke and Mabbuke to the junction of villages Rattoke, Mabbuke, and Gajjal. From that point the line will run along the boundary between villages Mabbuke and Gajjal, and then turn south along the eastern boundary of village Mabbuke to its junction with village Nagar Aimanpur. It will then turn along the north-eastern boundary of village Nagar Aimanpur, and run along its eastern boundary to its junction with village Masteke. From there it will run along the eastern boundary of village Masteke to where it meets the boundary between the tahsils of Kasur and Ferozepore.

For the purpose of identifying the village referred to in this paragraph, I attach a map of the Kausur tahsil authorised by the then Settlement Officer, Lahore District, which was supplied to the Commission by the Provincial Government.

4. The line will then run in a south-westerly direction down the Sutlej River on the boundary between the Districts of Lahore and Ferozepore to the point where the districts of Ferozepore, Lahore and Montgomery meet. It will continue along the boundary between the districts of Ferozepore and Montgomery to the point where this boundary meets the border of Bahawalpur State. The district boundaries, and not the actual course of the Sutlej River, shall in each case

constitute the boundary between the East and West Punjab.

5. It is my intention that this boundary line should ensure that the canal head-works at Sulemanke will' fall within the territorial jurisdiction of the West Punjab. If the existing delimitation of the boundaries of Montgomery District does not ensure this. I award to the West Punjab so much of the territory concerned as covers the headworks, and the boundary shall be adjusted accordingly.

6. So much of the Punjab Province as lies to the west of the line demarcated in the preceding paragraph shall be the territory of the West Punjab. So much of the territory of the Punjab Province as lies to the east of that line shall be territory of the East Punjab.

XIV

REPORT BY THE CHAIRMAN OF THE BENGAL BOUNDARY COMMISSION

TO

His Excellency the Governor-General,

1. I have the honour to present the decision and award of the Bengal Boundary Commission, which, by virtue of section 3 of the Indian Independence Act, 1947, is represented by my decision as Chairman of that Commission. This award relates to the division of the Province of Bengal, and the Commission's award in respect of the District of Sylhet and areas adjoining thereto will be recorded in a separate report.

2. The Bengal Boundary Commission was constituted by the announcement of the Governor-General dated the 30th of June, 1947, Reference No. D. 50/7/45 R. The members of the Commission thereby appointed were—

Mr. Justice Bijan Kumar Mukherjea,
Mr. Justice C.C. Biswas,
Mr. Justice Abu Saleh Mohammed Akram, and
Mr. Justice S. A. Rahman.

I was subsequently appointed Chairman of this Commission.

3. The terms of reference of the Commission, as set out in the announcement, were as follows :

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous areas of Muslims and non-Muslims. In doing so, it will also take account other factors".

We were desired to arrive at a decision as soon as possible before the 15th of August.

4. After preliminary meetings, the Commission invited the submission of memoranda and representations by interested parties. A very large number of memoranda and representations was received.

5. The public sittings of the Commission took place at Calcutta, and extended from Wednesday the 16th of July 1947 to Thursday the 24 of July 1947, inclusive, with the exception of Sunday, the 20th of July. Arguments were presented to the Commission by numerous parties on both sides, but the main cases were presented by counsel on behalf of the Indian National Congress, the Bengal Provincial Hindu Mahasabha and the New Bengal Association on the one hand, and on behalf of the Muslim League on the other. In view of the fact that I was acting also as Chairman of the Punjab Boundary Commission, whose proceedings were taking place simultaneously with the proceedings of the Bengal Boundary Commission, I did not attend the public sittings in person, but made arrangements to study daily the record of the proceedings and all material submitted for our consideration.

6. After the close of the public sittings, the remainder of

the time of the Commission was devoted to clarification and discussion of the issues involved. Our discussions took place at Calcutta.

7. The question of drawing a satisfactory boundary line under our terms of reference between East and West Bengal was one to which the parties concerned propounded the most diverse solutions. The province offers few, if any, satisfactory natural boundaries, and its development has been on lines that do not well accord with a division by contiguous majority areas of Muslim and non-Muslim majorities.

8. In my view, the demarcation of a boundary line between East and West Bengal depended on the answers to be given to certain basic questions which may be stated as follows :

(1) To which State was the City of Calcutta to be assigned, or was it possible to adopt and method of dividing the City between the two States.

(2) If the City of Calcutta must be assigned as a whole to one or other of the States, what were its indispensable claims to the control of territory, such as all or part of the Nadia River system or the Kultirivers, upon which the life of Calcutta as a city and port depended?

(3) Could the attractions of the Ganges-Padma-Madhumati river line displace the strong claims of the heavy concentration of Muslim majorities in the districts of Jessore and Nadia without doing too great a violence to the principle of our terms of reference?

(4) Could the district of Khulna usefully be held by a State different from that which held the district of Jessore?

(5) Was it right to assign to Eastern Bengal the considerable block of non-Muslim majorities in the districts of Malda and Dinajpur?

(6) Which State's claim ought to prevail in respect of

the Districts of Darjeeling and Jalpaiguri, in which the Muslim population amounted to 2.42 per cent of the whole in the case of Darjeeling, and to 23.08 per cent of the whole in the case of Jalpaiguri, but which constituted an area not in any natural sense contiguous to another non-Muslim area of Bengal?

(7) To which State should the Chittagong Hill Tracts be assigned, an area in which the Muslim population was only 3 per cent of the whole, but which it was difficult to assign to a State different from that which controlled the district of Chittagong itself ?

(8) After much discussion, my colleagues found that they were unable to arrive at an agreed view on any of these major issues. There were of course considerable areas of the Province in the south-west and north-east and east, which provokes no controversy on either side; but, in the absence of any reconciliation on all main questions affecting the drawing of the boundary itself, my colleagues assented to the view at the close of our discussions that I had no alternative but to proceed to give my own decision.

(9) This I now proceed to do : but I should like at the same time to express my gratitude to my colleagues for their indispensable assistance in clarifying and discussing the difficult question involved. The demarcation of the boundary line is described in detail in the schedule which forms Annexure A to this award, and in the map attached thereto, Annexure B. The map is annexed for purposes of illustration, and if there should be any divergence between the boundary as described in Annexure A and as delineated on the map in Annexure B, the description in Annexure A is to prevail.

(10) I have done what I can in drawing the line to eliminate any avoidable cutting of railway communications and of river system, which are of importance to the life of the province: but it is quite impossible to draw a boundary under our terms of reference without causing some interruption of this sort, and I can only express the hope that arrangements

can be made and maintained between the two States that will minimize the consequences of this interruption as far as possible.

New Delhi (Signed) CYRIL RADCLIFFE

12th August, 1947.

THE SCHEDULE

See Annexures A and B

ANNEXURE A

1. A line shall be drawn along the boundary between the thana of Phansidewa in the District of Darjeeling and the Thana Tetulia in the District of Jalpaiguri from the point where that boundary meets the Province of Bihar and then along the boundary between the thanas of Tetulia and Rajganj; the Thanas of Pachagar and Rajganj, and the Thanas (of pachagar and Jalpaiguri, and shall then continue along the northern corner of the Thana Debiganj to the boundary of the State of Cooch Behar. The District of Darjeeling and so much of the District of Jalpaiguri as lies north of this line shall belong to west Bengal, but the Thana of Patgram and any other portion of Jalpaiguri District which lies to the east or south shall belong to East Bengal.

2. A line shall then be drawn from the point where the boundary between the Thanas of Haripur and Raiganj in the District of Dinajpur meets the border of the Province of Bihar to the point where the boundary between the Districts of 24 Parganas and Khulna meets the Bay of Bengal. This line shall follow the course indicated in the following paragraphs. So much of the province of Bengal as lies to the west of it shall belong to West Bengal. Subject to what has been provided in paragraph I above with regard to the Districts of Darjeeling and Jalpaiguri, the remainder of the Province of Bengal shall belong to East Bengal.

3. The line shall run along the boundary the following

Thanas :—Haripur and Raiganj; Haripur and Hemtabad; Ranisankail and Hemtabad; Pirganj and Hemtabad; Pirganj and Kaliganj; Bochaganj and Kaliganj; Biral and Kaliganj Biral and Kushmendi; Biral and Gangarampur; Dinajpur and Gangarampur, Dinajpur and Kumarganj; Chirirbandar and Kumarganj; Phulbari and Kumarganj, Phulbari and Balurgat. It shall terminate at the point where the boundary between Phulbari and Balurghat meets the north-south line of the Bengal-Assam Railway in the eastern corner of the Thana of Balurghat. The line shall turn down the western edge of the railway lands belonging to that railway and follow that edge until it meets the boundary between the Thanas of Balurghat and Panchnibi.

4. From that point the line shall run along the boundary between the following Thanas:

5. The line shall then turn south-east down the River Ganges along the boundary between the District of Malda and Murshidabad; Rajshahi and Murshidabad; Rajshahi and Nadia; to the point in the north-western corner of the District of Nadia where the channel of the River Mathabanga takes off from the River Ganges. The district boundaries, and not the actual course of the River Ganges, shall constitute the boundary between East and West Bengal.

6. From the point on the River Ganges where the channel of the River Mathabanga takes off, the line shall run along that channel to the northern most point where it meets the boundary between the Thanas of Daulatpur and Khairpur. The middle line of the main channel shall constitute the actual boundary.

7. From this point the boundary between East and West Bengal shall run along the boundaries between the Thanas of Daulatpur and Khairpur; Gangani and Karimpur; Meherpur and Karimpur; Meherpur and Tehatta; Meherpur and Chapra; Damurhuda and Chapra; Damurhuda and Krishnaganj; Chudanga and Krishnaganj; Jibannagar and Krishnaganj; Jibannagar and Hanskhali; Maheshpur and Hanskhali;

Maheshpur and Ranaghat: Maheshpur and Bongaon; Jhikargacha and Bongaon; Sarsa and Bongaon; Sarsa and Gaighata; and Kalaroa; to the point where the boundary between those Thanas meets the boundary between the districts of Khulna and 24 Parganas.

8. The line shall then run southwards along the boundary between the Districts of Khulna and 24 Parganas, to the point where that boundary meets the Bay of Bengal.

XV

REPORT RELATING TO SYLHET DISTRICT AND THE ADJOINING DISTRICTS OF ASSAM

To

His Excellency the Governor-General,

1. I have the honour to present the report of the Bengal Boundary Commission relating to Sylhet District and the adjoining districts of Assam. By virtue of Section 3 of the Indian Independence Act, 1947, the decisions contained in this report become the decision and award of the Commission.

2. The Bengal Boundary Commission was constitued as stated in my report dated the 12th of August 1947 with regard to the division of the Province of Bengal into East and West Bengal. Our terms of reference were as follows :

"The Boundary Commission is instructed to demarcate the boundaries of the two parts of Bengal on the basis of ascertaining the contiguous majority areas of Muslims and non-Muslims. In doing so, it will also take into account other factors. In the event of the referendum in the District of Sylhet resulting in favour of amalgamation with Eastern Bengal, the Boundary Commission will also demarcate the Muslim majority areas of Sylhet District and the contiguous Muslim majority areas of the adjoining districts of Assam".

3. After the conclusion of the proceedings relating to

Bengal, the Commission invited the submission of memoranda and representations by parties interested in the Sylhet question. A number or such memoranda and representations was received.

4. The Commission held open sittings at Calcutta on the 4th, 5th and 6th days of August 1947, for the purpose of hearing arguments. The main arguments were conducted on the one side by counsel on behalf of the Government of East Bengal and the Provincial and District Muslim Leagues; and on the other side, by counsel on behalf of the Government of the Provice of Assam and the Assam Provincial Congress Committee and the Assam Provincial Hindu Mahasabha. I was not present in person at the open sittings as I was at the time engaged in the proceedings of the Punjab Boundary Commission which were taking place simultaneously, but I was supplied with the daily record of the Sylhet proceedings and with all material submitted for the Commission's consideration. At the close of the open sittings, the members of the Commission entered into discussions with me as to the issues involved and the decisions to be come to. These discussions took place at New Delhi.

5. There was an initial difference of opinion as to the scope of the reference entrusted to the Commission. Two of my colleagues took the view that the Commission had been given auhority to detach from Assam and to attach to East Bengal and Muslim majority areas of any part of Assam that be described as contiguous to East Bengal, since they construed the words "The adjoining districts of Assam" as meaning any districts of Assam that adjoined East Bengal. The other two of my colleagues took the view that the Commission's power of detaching areas from Assam and transferring them to East Bengal was limited to the District of Sylhet and continuous Muslim majority areas (if any) of other districts of Assam that adjoined Sylhet. The difference of opinion was referred to me for my casting vote, and I took the view that the more limited construction of our terms of reference was the correct one and that the "adjoining districts

of Assam" did not extend to other districts of Assam than those that adjoined Sylhet. The Commission accordingly proceeded with its work on this basis.

6. It was argued before the Commission on behalf of the Government of East Bengal that on the true construction of our terms of reference and section 3 of the Indian Independence Act 1947, the whole of the District of Sylhet at least must be transferred to East Bengal and the Commission had no option but to act upon this assumption. All my colleagues agreed in rejecting this argument, and I concur in their view.

7. We found some difficulty in making up our minds whether, under our terms of reference, we were to approach the Sylhet question in the same way as the question of partitioning Bengal, since there were some differences in the language employed. But all my colleagues came to the conclusion that we were intended to divided the Sylhet and adjoining districts of Assam between East Bengal and the Province of Assam on the basis of contiguous majority areas of Muslims and non-Muslims, but taking into account other factors I am glad to adopt this view.

8. The members of the Commission were, however, unable to arrive at an agreed view as to how the boundary lines should be drawn, and after discussion of their differences, they invited me to give my decision. This I now proceed to do.

9. In my view, the question is limited to the districts of Sylhet and Cachar, since of the other districts of Assam that can be said to adjoin Sylhet neither the Garo Hills nor the Khasi and Jaintia Hills nor the Lushai Hills have anything approaching a Muslim majority of population in respect of which a claim could be made.

10. Out of 35 thanas in Sylhet, 8 have non-Muslim majorities; but of these eight two—Sulla and Ajmiriganj (which is any event divided almost evenly between, Muslims and non-Muslims), are entirely surrounded by preponderatingly Muslim areas, and must therefore go with them to East Bengal. The

other six thanas comprising a population of over 530,000 people stretch in a continuous line along part of the southern border of Sylhet District. They are divided between two sub-divisions, of which one, South Sylhet, comprising a population of over 515,000 people, has in fact a non-Muslim mojority of some 40,000; while the other, Karimganj, with a population of over 568,000 people, has a Muslim majority that is a little larger.

11. With regard to the District of Cachar, one thana, Hailakandi, has a Muslim majority and is contiguous to the Muslim thanas of Bdarpur and Karimganj in the District of Sylhet. This thana forms, with the thana of Katlichara immediately to its south, the sub-division of Hailakandi, and in the Sub-division as a whole Muslims enjoy a very small majority being 51 per cent of the total population. I think that the dependence of Kathichara on Hailakandi for normal communications makes it important that area should be under one jurisdiction, and that the Muslims would have at any rate a strong presumptive claim for the transfer of the sub-division of Hailakandi, comprising a population of 166, 536, from the Province of Assam to the Province of East Bengal.

12. But a study of the map shows, in my judgement, that a division on these lines would present problems of administration that might gravely effect the future welfare and happiness of the whole District. Not only would the six non-Muslims thanas of Sylhet be completely divorced from the rest of Assam if the Muslim claim to Hailakandi were recognised, but they form a strip running east and west whereas the natural division of the land is north and south and they effect an awkward severance of the railway line through Sylhet, so that, for instance, the junction for the town of Sylhet itself, the capital of the district, would lie in Assam, not in East Bengal.

13. In those circumstances I think that some exchange of territories must be effected if a workable division is to result. Some of the non-Muslim thanas must go to East

Bengal and some Muslim territory and Hailakandi must be retained by Assam. Accordingly I decide and award as follows :

A line shall be drawn from the point where the boundary between the Thanas of Patharkandi and Kulaura meets the frontier of Tripura State and shall run north along the boundary between those Thanas, then along the boundary between the Thanas of Patharkandi and Barlekha, then along the boundary between the Thanas of Karimganj and Barlekha, and then along the boundary between the Thanas of Karimganj and Beani Bazar to the point where that boundary meets the River Kusiyara. The line shall then turn to the east taking the River Kuriyara as the boundary and run to the point where that River meets the boundary between the District of Sylhet and Cachar. The centre line of the main stream or channel shall constitute the boundary. So much of the District of Sylhet as lies to the west and north of this line shall be detached from the Province of Assam and transferred to the Province of East Bengal. No other part of the Province of Assam shall be transferred.

14. For purposes of illustration a map marked A is attached on which the line is delineated in the event of any divergence between the line as delineated in the map and as described in paragraph 13, the written description is to prevail.

13 August, 1947.

(signed) Cyril Radcliffe

XVI

THE INDIAN INDEPENDENCE ACT, 1947

An Act to make provision for the setting up in India of two independent Dominions, to substitute other provisions for certain provisions of the Government of India Act, 1935, which apply outside those Dominions, and to provide for other matters consequential on or connected with the setting up of those Dominions. (18th July 1947).

The New Dominions

1. (1) As from the fifteenth day of August, nineteen hundred and forty seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

2. The said Dominions are hereafter in this Act referred to as 'the new Dominions' and the said fifteenth day of August is hereafter in this Act referred to as 'the appointed day'.

Territories of the New Dominions

2. (1) Subject to the provisions of sub-sections (3) and (4) of this section, the territories of India shall be the territories under the sovereignty of His Majesty which, immediately before the appointed day, were included in British India except the territories which, under sub-section (2) of this section, are to be the territories of Pakistan.

(2) Subject to the provisions of sub-sections (3) and (4) of this section, the territories of Pakistan shall be—

(a) the territories which, on the appointed day, are included in the Provinces of East Bengal and West Punjab, as constituted under the two following sections;

(b) the territories which, at the date of the passing of this Act, are included in the Province of Sind and the Chief Commissioner's Province of British Baluchistan; and

(c) if, whether before or after the passing of this Act but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has been held in that behalf under his authority in the North-West Frontier Province are in favour of representatives of that Province taking part in the Constituent Assembly of Pakistan, the territories which, at the date of the passing of this Act, are included in that Province.

(3) Nothing in this section shall prevent any area being at any time included in or excluded from either of the new Dominions, so, however, that—

(a) no area not forming part of the territories specified in subsection (1) or, the case may be, subsection (2), of this section shall be included in either Dominion without the consent of that Dominion; and

(b) no area which forms part of the territories specified in the said subsection (1) or, as the case may be, the said subsection (2), or as which has after the appointed day been included in either Dominion, shall be excluded from that Dominion without the consent of that Dominion.

(4) Without prejudice to the generality of the provisions of subsection (3) of this section, nothing in this section shall be construed as preventing the accession of Indian States to either of the New Dominions.

Bengal and Assam

3. (1) As from the appointed day—

. . . (a) the Province of Bengal, as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted in lieu thereof two new Provinces, to be known respectively as East Bengal and West Bengal.

(2) If, whether before or after the passing of this Act, but before the appointed day, the Governor-General declares that the majority of the valid votes cast in the referendum which, at the date of the passing of this Act, is being or has recently been held in that behalf under his authority in the District of Sylhet are in favour of that District forming part of the new Province of East Bengal, then, as from that day, a part of the Province of Assam shall, in accordance with the provisions of subsection (3) of this section, form part of the new Province of East Bengal.

(3) The boundaries of the new Provinces aforesaid and, in the event mentioned in subsection (2) of this section, the boundaries after the appointed day of the province of Assam shall be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appointed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—

(a) the Bengal Districts specified in the First Schedule to this Act, together with, in the event mentioned in subsection (2) of this section, the Assam District of Sylhet, shall be treated as the territories which are to be comprised in the new Province of East Bengal;

(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of Bengal shall be treated as the territories which are to be comprised in the new Province of West Bengal; and

(c) in the event mentioned in subsection (2) of this section, the District of Sylhet shall be excluded from the Province of Assam.

(4) In this section, the expression 'award' means, in relation to a boundary commission, the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

The Punjab

4. (1) As from the appointed day—

(a) the Province of the Punjab as constituted under the Government of India Act, 1935, shall cease to exist; and

(b) there shall be constituted two new Provinces, to be known respectively as West Punjab and East Punjab.

(2) The boundaries of the said new Provinces shall be such as may be determined, whether before or after the appointed day, by the award of a boundary commission appoint-

ed or to be appointed by the Governor-General in that behalf, but until the boundaries are so determined—

(a) the Districts specified in the Second Schedule to this Act shall be treated as the territories to be comprised in the new Province of West Punjab; and

(b) the remainder of the territories comprised at the date of the passing of this Act in the Province of the Punjab shall be treated as the territories which are to be comprised in the new Province of East Punjab.

(3) In this section, the expression 'award', means, in relation to a boundary commission, the decisions of the chairman of that commission contained in his report to the Governor-General at the conclusion of the commission's proceedings.

The Governor-General of the new Dominions

5. For each of the new Dominions, there shall be a Governor-General who shall be appointed by His Majesty and shall represent His Majesty for the purpose of the government of the Dominion :

Provided that, unless and until provision to the contrary is made by a law of the Legislature of either of the new Dominions, the same person may be Governor-General of both the new Dominions.

Legislation for the new Dominions

6. (1) The Legislature of each of the new Dominions shall have full power to make laws for that Dominion, including laws having extra-territorial operation.

(2) No law and no provision of any law made by the Legislature of either of the new Dominions shall be void or inoperative on the ground that it is repugnant to the law of England, or to the provisions of this or any existing or future Act of Parliament of the United Kingdom, or to any order,

rule or regulation made under any such Act, and the powers of the Legislature of each Dominion include the power to repeal or amend any such Act, order, rule or regulation in so far as it is part of the law of the Dominion.

(3) The Governor-General of each of the new Dominions shall have full power to assent in His Majesty's name to any law of the Legislature of that Dominion and so much of any Act as relates to the disallowance of laws by His Majesty or the reservation of laws for the signification of His Majesty's pleasure thereon or the suspension of the operation of laws until the signification of His Majesty's pleasure thereon shall not apply to laws of the Legislature of either of the new Dominions.

(4) No Act of Parliament of the United Kingdom passed on or after the appointed day shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion unless it is extended thereto by a law of the Legislature of the Dominion.

(5) No Order in Council made on or after the appointed day under any Act passed before the appointed day, and no order, rule or other instrument made on or after the appointed day under any such Act by any United Kingdom Minister or other authority, shall extend, or be deemed to extend, to either of the new Dominions as part of the law of that Dominion.

(6) The power referred to in subsection (1) of this section extends to the making of laws limiting for the future the powers of the Legislature of the Dominion.

Consequences of the Setting up of the New Dominions

7. (1) As from the appointed day—

(a) His Majesty's Government in the United Kingdom have no responsibility as respects the government of any of the territories which, immediately before that day, were included in British India;

(b) the suzerainty of His Majesty over the Indian States lapses, and with it, all treaties and agreements in force at the date of the passing of this Act between His Majesty and the rulers of Indian States, all functions exercisable by His Majesty at that date with respect to Indian States, all obligations of His Majesty existing at that date towards Indian States or the rulers thereof, and all powers, right, authority or jurisdiction exercisable by His Majesty at that date in or in relation to the tribal areas by treaty, grant, usage, sufference or otherwise:

Provided that, notwithstanding anything in paragraph (b) or paragraph (c) of this subsection, effect shall, as nearly as may be, continue to be given to the provisions of any such agreement as is therein referred to which relate to customs, transit and communications, posts and telegraphs, or other like matters, until the provisions in question are denounced by the Ruler of the Indian State or person having authority in the tribal areas on the one hand, or by the Dominion or Province or other part thereof concerned on the other hand, or are superseded by subsequent agreements.

(2) The assent of the Parliament of the United Kingdom is hereby given to the omission from the Royal Style and Titles of the words 'Indiae Imperator' and the words 'Emperor of India' and to the issue by His Majesty for that purpose of His Loyal Proclamation under the Great Seal of the Realm.

Temporary Provision as to Government of Each of the new Dominions

8. (1) In the case of each of the new Dominions, the powers of the Legislature of the Dominion shall, for the purpose of making provision as to the constitution of the Dominion, be exercisable in the first instance by the Constituent Assemly of that Dominion, and references in this Act to the Legislature of the Dominion shall be construed accordingly.

(2) Except in so far as other provision is made by or in

accordance with a law made by the Constituent Assembly of the Dominion under subsection (1) of this section, each of the new Dominions and all Provinces and other parts thereof shall be governed as nearly as may be in accordance with the Government of India Act, 1935; and the provisions of that Act, and of the Orders in Council, rules and other instruments made thereunder, shall, so far as applicable, and subject to any express provisions of this Act, and with such omissions, additions, adaptations and modifications as may be specified in orders of the Governor-General under the next succeeding section, have effect. Provided that—

(a) the said provisions shall apply separately in relation to each of the new Dominions and nothing in this subsection shall be construed as continuing on or after the appointed day any Central Government or Legislature common to both the new Dominions;

(b) nothing in this subsection shall be construed as continuing in force on or after the appointed day any form of control by His Majesty's Government in the United Kingdom over the affairs of the new Dominions or of any Province or other part thereof;

(c) so much of the said provisions as requires the Governor-General or any Governor to act in his discretion or exercise his individual judgement as respects any matter shall cease to have effect as from the appointed day;

(d) as from the appointed day, no Provincial Bill shall be reserved under the Government of India Act, 1935, for the signification of His Majesty's pleasure, and no Provincial Act shall be disallowed by His Majesty thereunder; and

(e) the powers of the Federal Legislature or Indian Legislature under that Act, as in force in relation to each Dominion, shall, in the first instance, be exercisable by the Constituent Assembly of the Dominion in addition to the powers exercisable by that Assembly under subsection (1) of this section.

(3) Any provision of the Government of India Act, 1935, which, as applied to either of the new Dominions by subsection (2) of this section and the orders therein referred to, operates to limit the power of the legislature of that Dominion shall, unless and until other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion in accordance with the provisions of subsection (1) of this section have the like effect as a law of the Legislature of the Dominion limiting for the future the powers of that Legislature.

Orders for Bringing this Act into Force

9. (1) The Governor-General shall by order make such provision as appears to him to be necessary or expedient—

(a) for bringing the provisions of this Act into effective operation;

(b) for dividing between the new Dominions, and between the new Provinces to be constituted under this Act, the powers, rights, property, duties and liabilities of the Governor-General in Council or, as the case may be, of the relevant Provinces which, under this Act, are to cease to exist;

(c) for making omissions from, additions to, and adaptations and modifications of the Government of India Act, 1935, and the Orders in Council, rules and other instruments made thereunder, in their application to the separate new Dominions;

(d) for removing difficulties arising in connection with the transition to the provisions of this Act;

(e) for authorising the carrying on of the business of the Governor-General in Council between the passing of this Act and the appointed day otherwise than in accordance with the provisions in that behalf of the Ninth Schedule to the Government of India Act, 1935;

(f) for enabling agreements to be entered into, and other acts done, on behalf of either of the new Dominions before the appointed day;

(g) for authorising the continued carrying on for the time being on behalf of the new Dominions, or on behalf of any two or more of the said new Provinces, of services and activities previously carried on on behalf of British India as a whole or on behalf of the former Provinces which those new Provinces represent;

(h) for regulating the monetary system and any matters pertaining to the Reserve Bank of India; and

(i) so far as it appears necessary or expedient in connection with any of the matters aforesaid, for varying the constitution, powers or jurisdiction of any legislature, court or other authority in the new dominions and creating new legislatures, courts or other authorities therein.

(2) The powers conferred by this section on the Governor-General shall, in relation to their respective Provinces, be exercisable also by the Governors of the Provinces which, under this Act, are to cease to exist; and those powers shall, for the purposes of the Government of India Act, 1935, be deemed to be matters as respects which the Governors are, under that Act, to exercise their individual judgement.

(3) This section shall be deemed to have had effect as from the third day of June, nineteen hundred and forty-seven, and any order of the Governor-General or any Governor made on or after that date as to any matter shall have effect accordingly, and any order made under this section may be made so as to be retrospective to any date not earlier than the said third day of June :

Provided that no person shall be deemed to be guilty of an offence by reason of so much of any such order as makes

any provision thereof retrospective to any date before the making thereof.

(4) Any orders made under this section, whether before or after the appointed day, shall have effect—

(a) upto the appointed day, in British India;

(b) on and after the appointed day, in the new Dominion or Dominions concerned; and

(c) outside British India, or, as the case may be, outside the new Dominion or Dominions concerned, to such extent, whether before, on or after the appointed day, as a law of the Legislature of the Dominion or Dominions concerned would have on or after the appointed day, but shall in the case of each of the Dominions, be subject to the same powers of repeal and amendment as laws of the Legislature of that Dominion.

(5) No order shall be made under this section, by the Governor of any Province, after the appointed day, or, by the Governor-General, after the thirty-first day of March, nineteen hundred and forty-eight, or such earlier date as may be determined, in the case of either Dominion, by any law of the Legislature of the Dominion.

(6) If it appears that a party of the Province of Assam is, on the appointed day, to become part of the new Province of East Bengal, the preceding provisions of this section shall have effect as if, under this Act, the Province of Assam was to cease to exist on the appointed day and be reconstituted on that day as a new Province.

Secretary of State's Services, Etc.

10. (1) The provisions of this Act keeping in force provisions of the Government of India Act, 1935, shall not continue in force the provisions of that Act relating to appointments to the civil services of, and civil posts under, the Crown

in India by the Secretary of State, or the provisions of that Act relating to the reservation of posts.

(2) Every person who—

(a) having been appointed by the Secretary of State, or Secretary of State in Council, to a civil service of the Crown in India continues on and after the appointed day to serve under the Government of either of the new Dominions or of any Province or part thereof; or

(b) having been appointed by His Majesty before the appointed day to be a judge of the Federal Court or of any court which is a High Court within the meaning of the Government of India Act, 1935, continues on and after the appointed day to serve as a judge in either of the new Dominions, shall be entitled to receive from the Governments of the Dominions and Provinces or parts which he is from time to time serving or, as the case may be, which are served by the courts in which he is from time to time a judge, the same conditions of service as respects remuneration, leave and pension, and the same rights as respects disciplinary matters or, as the case may be, as respects the tenure of his office, or rights as similar thereto as changed circumstances may permit, as that person was entitled to immediately before the appointed day.

(3) Nothing in this Act shall be construed as enabling the rights and liabilities of any person with respect to the family pension funds vested in Commissioners under section two hundred and seventy-three of the Government of India Act, 1935, to be governed otherwise than by Orders in Council made (whether before or after the passing of this Act or the appointed day) by His Majesty in Council and rules made (whether before or after the passing of this Act or the appointed day) by a Secretary of State or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions Act, 1946.

Indian Armed Forces

11. (1) The orders to be made by the Governor-General under the preceding provisions of this Act shall make provision for the division of the Indian armed forces of His Majesty between the new Dominions, and for the command and governance of those forces until the division is completed.

(2) As from the appointed day, while any members of His Majesty's forces, other than His Majesty's Indian forces, is attached to or serving with any of his Majesty's Indian forces—

(a) he shall, subject to any provision to the contrary made by a law of the Legislature of the Dominion or Dominions concerned or by any order of the Governor-General under the preceding provisions of this Act, have, in relation to the Indian forces in question, the powers of command and punishment appropriate to his rank and functions; but

(b) nothing in any enactment in force at the date of the passing of this Act shall render him subject in any way to the law governing the Indian forces in question.

British Forces in India

12. (1) Nothing in this Act affects the jurisdiction or authority of His Majesty's Government in the United Kingdom, or of the Admiralty, the Army Council, or the Air Council or of any other United Kingdom authority, in relation to any of His Majesty's forces which may, on or after the appointed day, be in either of the new Dominions or elsewhere in the territories which, before the appointed day, were included in India, not being Indian forces.

(2) In its application in relation to His Majesty's military forces, other than Indian forces, the Army Act shall have effect on or after the appointed day—

(a) as if His Majesty's Indian forces were not included in the expressions 'the forces', 'His Majesty's forces' and 'the regular forces'; and

(b) subject to the further modifications specified in parts I and II of the Third Schedule to this Act.

(3) Subject to the provisions of subsection (2) of this section, and to any provisions of any law of the Legislature of the Dominion concerned, all civil authorities in the new Dominions, and, subject as aforesaid and subject also to the provisions of the last preceding section, all service authorities in the new Dominions, shall, in those Dominions and in the other territories which were included in India before the appointed day, perform in relation to His Majesty's military forces, not being Indian forces, the same functions as were, before the appointed day, performed by them, or by the authorities corresponding to them whether by virtue of the Army Act or otherwise, and the matters for which provision is to be made by orders of the Governor-General under the preceding provisions of this Act shall include the facilating of the withdrawal from the new Dominions and other territories aforesaid of His Majesty's military forces, not being Indian forces.

(4) The provisions of subsections (2) and (3) of this section shall apply in relation to the air forces of His Majesty, not being Indian air forces, as they apply in relation to His Majesty's military forces, subject, however, to the necessary adaptations, and, in particular, as if—

(a) for the references to the Army Act there were substituted references to the Air Force Act; and

(b) for the reference to Part II of the Third Schedule to this Act there were substituted a reference to part III of that Schedule.

Naval Forces

13. (1) In the application of the Naval Discipline Act to His Majesty's naval forces, other than Indian naval forces, references to His Majesty's navy and His Majesty's ships shall not as from the appointed day, include references to His

Majesty's Indian navy or the ships thereof.

(2) In the application of the Naval Discipline Act by virtue of any law made in India before the appointed day to Indian naval forces, references to His Majesty's navy and His Majesty's ships shall, as from the appointed day, be deemed to be, and to be only, references to His Majesty's Indian navy and the ships thereof.

(3) In section ninety B of the Naval Discipline Act (which, in certain cases, subjects officers and men of the Royal Navy and Royal Marines to the law and customs of the ships and naval forces of other parts of His Majesty's dominions) the words 'or of India' shall be repealed as from the appointed day, wherever those words occur.

Provision as to the Secretary of State and the Auditor of Indian Home Accounts

14. (1) A Secretary of State, or such other Minister of the Crown as may be designated in that behalf by Order in Council under the Ministers of the Crown (Transfer of Functions) Act, 1946, is hereby authorised to continue for the time being the performance, on behalf of whatever government or governments may be concerned, of functions as to the making of payments and other matters similar to the functions which, up to the appointed day, the Secretary of State was performing on behalf of governments constituted or continued under the Government of India Act, 1935.

(2) The functions referred to in subsection (1) of this section include functions as respects the management of, and the making of payments in respect of, government debt, and any enactments relating to such debt shall have effect accordingly :

Provided that nothing in this subsection shall be construed as continuing in force so much of any enactment as empowers the Secretary of State to contract sterling loans on behalf of any such Government as aforesaid or as applying to the

Government of either of the new Dominions the prohibition imposed on the Governor-General in Council by section three hundred and fifteen of the Government of India Act, 1935, as respect the contracting of sterling loans.

(3) As from the appointed day, there shall not be any such advisers of the Secretary of State as are provided for by section two hundred and seventy-eight of the Government of India Act, 1935, and that section, and any provisions of that Act which require the Secretary of State to obtain the concurrence of his advisers, are hereby repealed as form that day.

(4) The Auditor of Indian Home Accounts is hereby authorised to continue for the time being to exercise his functions as respects the accounts of the Secretary of State or any such other Minister of the Crown as is mentioned in subsection (1) of this section, both in respect of activities before, and in respect of activities after, the appointed day, in the same manner, as nearly as may be as he would have done if this Act had not passed.

Legal Proceeding by and Against the Secretary of State

15. (1) Notwithstanding anything in this Act, and, in particular, notwithstanding any of the provisions of the last preceding section, any provision of any enactment which, but for the passing of this Act, would authorise legal proceedings to be taken, in India or elsewhere, by or against the Secretary of State in respect of any right or liability of India or any part of India shall cease to have effect on the appointed day, and any legal proceedings pending by virtue of any such provision on the appointed day shall, by virtue of this Act, abate on the appointed day, so far as the Secretary of State is concerned.

(2) Subject to the provisions of this subsection, any legal proceedings which, but for the passing of this Act, could have been brought by or against the Secretary of State in respect of any right or liability of Indian, or any part of India, shall instead be brought—

(a) in the case of proceedings in the United Kingdom, by or against the High Commissioner;

(b) in the case of other proceedings, by or against such person as may be designated by order. of the Governor-General under the preceding provisions of the Act or otherwise by the law of the new Dominion concerned,

and any legal proceedings by or against the Secretary of State in respect of any such right or libility as aforesaid which are pending immediately before the appointed day shall be continued by or against the High Commissioner or, as the case may be, the person designated as aforesaid :

Provided that, at any time after the appointed day, the right conferred by this subsection to bring or continue proceedings may, whether the proceedings are by, or are against, the High Commissioner or person designated as aforesaid, be withdrawn by a law of the Legislature of either of the new Dominions so far as that Dominion is concerned, as any such law may operate as respects proceedings pending at the date of the passing of the law.

(3) In this section, the expression 'the High Commissioner' means, in relation to each of the new Dominions, any such officer as may for the time being be authorised to perform in the United Kingdom, in relation to that Dominion, functions similar to those performed before the appointed day, in relation to the Governor-General in Council, by the High Commissioner referred to in section three hundred and two of the Government of India Act, 1935; and any legal proceedings which, immediately before the appointed day, are the subject of an appeal to His Majesty in Council, or of a petition for special leave to appeal to His Majesty in Council, shall be treated for the purposes of this section as legal proceedings pending in the United Kingdom.

Aden

16. (1) Subsections (2) to (4) of section two hundred and

eighty-eight of the Government of India Act, 1935 (which confer on His Majesty power to make by Order in Council provision for the government of Aden) shall cease to have effect and the British Settlements Acts, 1887 and 1945, (which authorise His Majesty to make laws and establish institutions for British Settlement as defined in those Acts) shall apply in relation to Aden as if it were a British Settlement as so defined.

(2) Notwithstanding the repeal of the said subsections (2) to (4), the Orders in Council in force thereunder at the date of the passing of this Act shall continue in force, but the said Orders in Council, any other Orders in Council made under the Government of India Act, 1935, in so far as they apply to Aden, and any enactments applied to Aden or amended in relation to Aden by any such Orders in Council as aforesaid, may be repealed, revoked or amended under the powers of the British Settlements Acts, 1887 and 1945.

(3) Unless and until provision to the contrary is made as respects Aden under the powers of the British Settlements Acts, 1887 and 1945, or, as respects the new Dominion in question, by a law of the Legislature of that Dominion, the provisions of the said Orders in Council and enactments relating to appeals from any courts in Aden to any courts which will, after the appointed day, be in either of the new Dominions, shall continue in force in their application both to Aden and to the Dominion in question, and the last mentioned courts shall exercise their jurisdiction accordingly.

Divorce Jurisdiction

17. (1) No court in either of the new Dominions shall by virtue of the Indian and Colonial Divorce Jurisdiction Acts, 1926 and 1940, have jurisdiction in or in relation to any proceedings for a decree for the dissolution of a marriage, unless those proceedings were instituted before the appointed day, but, save as aforesaid and subject to any provision to the contrary which may hereafter be made by any Act of the Parliament of the United Kingdom or by any law of the

Legislature of the new Dominion concerned, all courts in the new Dominions shall have the same jurisdiction under the said Acts as they would have had if this Act had not been passed.

(2) Any rules made on or after the appointed day under subsection (4) of section one of the Indian and Colonial Divorce Jurisdiction Act, 1926, for a court in either of the new Dominions shall, instead of being made by the Secretary of State with the concurrence of the Lord Chancellor, be made by such authority as may be determined by the law of the Dominion concerned, and so much of the said subsection and of any rules in force thereunder immediately before the appointed day as require the approval of the Lord Chancellor to the nomination for any purpose of any judges of any such court shall cease to have effect.

(3) The reference in subsection (1) of this section to proceedings for a decree for the dissolution of a marriage include references to proceedings for such a decree of presumption of death and dissolution of a marriage as is authorised by section eight of the Matrimonial Causes Act, 1937.

(4) Nothing in this section affects any court outside the new Dominions, and the power conferred by section two of the Indian and Colonial Divorce Jurisdiction Act, 1926, to apply certain provisions of that Act to other parts of His Majesty's dominions as they apply to India shall be deemed to be power to apply those provisions as they would have applied to India if this Act had not passed.

Provisions as to Existing Laws, Etc.

18. (1) In so far as any Act of Parliament, Order in Council, order, rule, regulation or other instrument passed or made before the appointed day operates otherwise than as part of the law of British India or the new Dominions, references therein to India or British India, however worded and whether by name or not, shall, in so far as the context permits and except so far as Parliament may hereafter otherwise provide, be construed as, or as including, references to the new

Dominions, taken together, or taken separately, according as the circumstances and subject matter may require :

Provided that nothing in this subsection shall be construed as continuing in operation any provision in so far as the continuance thereof as adapted by this subsection is inconsistent with any of the provisions of this Act other than this section.

(2) Subject to the provisions of subsection (1) of this section and to any other express provision of this Act, the Orders in Council made under subsection (5) of section three hundred and eleven of the Government of India Act, 1935, for adapting and modifying Acts of Parliament shall, except so far as Parliament may hereafter otherwise provide, continue in force in relation to all Acts in so far as they operate otherwise than as part of the law of British India or the New Dominions.

(3) Save as otherwise expressly provided in this Act, the law of British India and of the several parts thereof existing immediately before the appointed day shall, so far as applicable and with the necessary adaptations, continue as the law of each of the new Dominions and the several parts thereof until other provision is made by laws of the Legislature of the Dominion in question or by any other Legislature or other authority having power in that behalf.

(4) It is hereby declared that the Instruments of Instructions issued before the passing of this Act by His Majesty to the Governor-General and the Governors of Provinces lapse as from the appointed day, and nothing in this Act shall be construed as continuing in force any provision of the Government of India Act, 1935, relating to such Instruments of Instructions.

(5) As from the appointed day, so much of any enactment as requires the approval of His Majesty in Council to any rules of court shall not apply to any court in either of the new Dominions.

Interpretation, Etc.

19. (1) References in this Act to the Governor-General shall, in relation to any order to be made or other act done on or after the appointed day, be construed—

(a) where the order or other act concerns one only of the new Dominions, as references to the Governor-General of that Dominions;

(b) where the order or other act concerns both of the new Dominions and the same person is the Governor-General of both those Dominions, as references to that person; and

(c) in any other case, as references to the Governor-General of the new Dominions, acting jointly.

(2) References in this Act to the Governor-General shall, in relation to any order to be made or other act done before the appointed day, be construed as references to the Governor-General of India within the meaning of the Government of India Act, 1935, and so much of that or any other Act as requires references to the Governor-General to be construed as references to the Governor-General in Council shall not apply to references to the Governor-General in this Act.

(3) References in this Act to the Constituent Assembly of a Dominion shall be construed as references—

(a) in relation to India, to the Constituent Assembly, the first sitting wereof was held on the ninth day of December, nineteen hundred and forty-six, modified—

(i) by the exclusion of the members representing Bengal, the Punjab, Sind and British Baluchistan; and

(ii) should it appear that the North-West Frontier Province will form part of Pakistan, by the exclusion of the members representing that Province; and

(iii) by the inclusion of members representing West

Bengal and East Punjab; and

(vi) Should it appear that, on the appointed day, a part of the Province of Assam is to form part of the new Province of East Bengal, by the exclusion of the members there fore representing the Province of Assam and the inclusion of members chosen to represent the remainder of that Province;

(b) in relation to Pakistan, to the Assembly set up or about to be set up at the date of the passing of this Act under the auhority of the Governor-General as the Constituent Assembly for Pakistan :

Provided that nothing in this subsection shall be construed as affecting the extent to which representatives of the Indian States take part in either of the said Assemblies, or as preventing the filling of casual vacancies in the said Assemblies, or as preventing the participation in either of the said Assemblies, in accordance with such arrangements as may be made in that behalf, of representatives of the tribal areas on the borders of the Dominion for which that Assembly sits, and the powers of the said Assemblies shall extend and be deemed always to have extended to the making of provision for the matters specified in this proviso.

(4) In this Act, except so far as the context otherwise requires—

references to the Government of India Act, 1935, include references to any enactments amending or supplementing that Act, 1935, include references to the India (Central Government and Legislature) Act, 1946;

'India', where the reference is to a state of affairs existing before the appointed day or which would have existed but for the passing of this Act, has the meaning assigned to it by section three hundred and eleven of the Government of India Act, 1935;

'Indian forces' includes all His Majesty's Indian forces

existing before the appointed day and also any forces of their of the new Dominions;

'pension' means, in relation to any person, a pension whether contributory or not, of any kind whatsoever payable to or in respect of that person and includes retired pay so payable, a gratuity so payable and any sum or sums so payable by way of the return, with or without interest thereon or other additions thereto, of subscriptions to a provident fund;

'Province' means a Governor's Province;

'remuneration' includes leave pay, allowances and the cost of any privileges or facilities provided in kind.

(5) Any power conferred by this Act to make any order includes power to revoke or vary any order previously made in the exercise of that power.

Short Title

20. This Act may be cited as the Indian Independence Act, 1947.

INDEX